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# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth periodic reports submitted by States parties
under articles 16 and 17 of the Covenant

Addendum

## United Kingdom of Great Britain and Northern Ireland
## Overseas Territories* **

[15 April 2000]

* The second periodic reports concerning rights covered by articles 10 to 12 (E/1986/4/Add.27 and 28) and by articles 13 to 15 (E/1990/7/Add.16) submitted by the Government of the United Kingdom of Great Britain and Northern Ireland were considered by the Committee on Economic, Social and Cultural at its eleventh (1994) session (see E/C.12/1994/SR.33, 34, 36 and 27).

The annexes referred to in the present report are available for consultation in the Committee's secretariat.

** The information submitted by the United Kingdom of Great Britain and Northern Ireland in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.62).

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## I. INTRODUCTION

1. This part of the present report contains, in its several annexes, the United Kingdom's latest periodic reports under the Covenant in respect of its Overseas Territories (as its dependent territories overseas are now styled) to which the Covenant has been extended. These reports are set out below as follows:-

| | |
|---|---|
| Annex A | Bermuda |
| Annex B | British Virgin Islands |
| Annex C | Cayman Islands |
| Annex D | Falkland Islands |
| Annex E | Gibraltar |
| Annex F | Montserrat |
| Annex G | Pitcairn |
| Annex H | St. Helena |
| Annex I | Turks and Caicos Islands |

2. The most recent periodic reports submitted under the Covenant in respect of these Overseas Territories were the second reports, the final sections of which, covering articles 10-12 and 13-15, were examined by the Committee in November 1994. The United Kingdom Government very much regrets the delay that has occurred since then in the preparation and submission of the present reports but, in view of the time that has elapsed, hopes that it will be acceptable to the Committee for them to be submitted as the combined third and fourth reports in respect of the Territories concerned.

## II. GENERAL ASPECTS OF UNITED KINGDOM POLICY TOWARDS OVERSEAS TERRITORIES

3. As background to the individual reports which follow, the United Kingdom Government draws the Committee's attention to a significant evolution of its policy towards its Overseas Territories which has particular relevance to human rights. This has its origin in a thorough review of the relationship between the United Kingdom and its Overseas Territories that was instituted by the current Administration in the United Kingdom shortly after it took office in May 1997. In consequence of that review, a White Paper was laid before the United Kingdom Parliament in March 1999 by the Secretary of State for Foreign and Commonwealth Affairs, setting out the general approach which would henceforth be followed by the United Kingdom Government in relation to the Overseas Territories and describing in detail the particular policies and measures which the United Kingdom Government was pursuing, or intended to pursue, in accordance with that approach. Copies of that White Paper, which is entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories", are being transmitted to the Committee's secretariat together with the present report. But the Committee's attention is drawn at this point to the following particular aspects of it which are of special relevance to the matters dealt with by the Covenant.

(a) Self-determination. The relationship between the United Kingdom and its Overseas Territories is now to be based on a new partnership. This partnership is to be promoted, in the United Kingdom itself, by new Departments in the Foreign and Commonwealth Office and in the Department for International Development, the two Ministries of the United Kingdom Government that are principally concerned. These new Departments are vested with the primary responsibility

for the affairs of the Overseas Territories and each of them is accountable to a Minister specifically designated for that purpose. The Overseas Territories, for their part, are being encouraged to examine their own governmental and other structures with a view to making the new partnership effective. In addition, there will in future be a structured dialogue between the Overseas Territories Governments and the United Kingdom Government, involving, inter alia, an annual Overseas Territories Council comprising the Chief Ministers or other representatives of the Overseas Territories Governments and the Ministers of the United Kingdom Government responsible for the Overseas Territories. Underpinning all this is the United Kingdom Government's recognition of, and its determination to respect in relation to each of its Overseas Territories, the right of self-determination that is set forth in article 1 of the Covenant. In accordance with that right, the White Paper makes clear that, as in the past, where there is a general desire on the part of the population of an Overseas Territory to proceed to full independence and that is a practical option, the United Kingdom Government will respect that desire and will not stand in the way of its fulfilment. But where the desire is to retain the present connection with the United Kingdom, that, too, will be respected and the United Kingdom Government, for its part, will continue to honour the commitments that are inherent in the connection.

(b) Citizenship. The White Paper announced the United Kingdom Government's intention to introduce legislation, as soon as parliamentary time allows, to confer full British citizenship on all British Dependent Territories citizens (as the inhabitants of the Overseas Territories generally now are). Full British citizenship will carry with it the right of abode in the United Kingdom and freedom of movement and residence elsewhere in the European Union and in the European Economic Area. But those persons who prefer to retain their British Dependent Territories citizenship will be able to do so. Moreover, the United Kingdom Government will not insist on reciprocity in respect of the right of abode: that is to say, any Overseas Territory that wishes to continue to impose immigration and residence restrictions on persons who do not "belong" to that Territory will be free to do so;

(c) Other human rights. As the White Paper makes clear in various contexts, the partnership between the United Kingdom and its Overseas Territories entails responsibilities on both sides. The United Kingdom has a commitment to defend the Overseas Territories, to encourage their sustainable development - and the White Paper described in some detail what the United Kingdom Government's policies and measures are in that respect - and to look after their interests internationally. In return, the United Kingdom Government expects from the Overseas Territories Governments the highest standards of probity, law and order, good government and observance of the United Kingdom's international commitments. In this context, while the United Kingdom Government is confident that human rights are generally respected and protected in all the Overseas Territories, it recognizes that there is still a need for further measures to be taken, in certain respects, to ensure that the laws of the Overseas Territories conform fully with the relevant obligations of the United Kingdom under various human rights instruments and, more generally, with the broadly accepted norms in this field. In particular, the United Kingdom Government is concerned that all the Overseas Territories should adopt - as most of them, indeed, already do - substantially the same position as obtains in the United Kingdom itself in respect of capital punishment, judicial corporal punishment and the treatment as criminal offences of homosexual acts between consenting adults in private. To this end, it has strongly urged - and will, if necessary, continue to urge - the Governments of those Overseas Territories whose laws may be open to criticism in any of these respects to introduce appropriate amending legislation at the earliest suitable opportunity. Failing that, as the White Paper makes clear, the United Kingdom

Government may have to consider the possibility of itself legislating in this matter on behalf of those Overseas Territories. Where, as regards the above issues, there are particular matters to bring to the Committee's notice in respect of individual Overseas Territories, these are more fully discussed in the respective reports for those Territories, as set out in the following annexes.

# ANNEX A - BERMUDA

## I. GENERAL INFORMATION

4. The Committee is referred to the core document (the "country profile") in respect of Bermuda which is contained in annex II to HRI/CORE/1/Add.62. Save as is indicated in the following paragraphs of this annex, the position as regards the matters covered by that core document remains substantially as there described except that the following items of background statistical information (which in some cases are still provisional and subject to correction or are based on projected estimates) can now be substituted for the corresponding information set out in paragraph 4 of the core document:

| | |
|---|---|
| Per capita income | $31,200 (1996/97) |
| Gross national product | $2,259.6 million (1996/97) |
| Rate of inflation | 2.0% in 1997 |
| Rate of unemployment: | |
| Males | 4% (1991 census) |
| Females | 2% (1991 census) |
| Literacy rate | 97% (1995 estimate) |
| Population | 61,210 (1998 provisional estimate) |
| Life expectancy: | |
| Males | 70 (1997) |
| Females | 78 (1997) |
| Infant mortality rate | 4.7 per 1,000 live births (1997) |
| Birth rate | 13.7 per 1,000 population (1997) |
| Percentage of population - | |
| under 15 years old: | |
| Total | 19.2% (1998 provisional estimate) |
| Males | 19.8% (1998 provisional estimate) |
| Females | 18.7% (1998 provisional estimate) |
| over 65 years old: | |
| Total | 10.0% (1998 provisional estimate) |
| Males | 8.6% (1998 provisional estimate) |
| Females | 11.25% (1998 provisional estimate) |
| Percentage of households headed by women | 36% (1993 Household Expenditure Survey) |

5. It is to be noted that, as part of a reshuffle of government ministries that took place on 6 May 1998, a new ministry, styled the Ministry of Development and Opportunity, was created. It has responsibility for a number of areas and bodies concerned with "equality of opportunity" and "promotion opportunities", including (and of particular relevance to the Covenant): the National Training Board; the Bermuda Small Business Development Corporation; the Training and Employment Services Department; the Commission for Unity and Racial Equality; the Human Rights Commission; the Bermuda Land Development Corporation; and the West End Development Corporation. The work of some of these bodies is discussed more fully below.

## II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

6. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including the problems that have been encountered) since the submission of the United Kingdom's second periodic reports in respect of Bermuda under articles 6-9, 10-12 and 13-15 of the Covenant - or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. This annex also includes information, as appropriate, on articles 1-5. In respect of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments or information to report.

### Article 1

7. In exercise of their right to self-determination, the people of Bermuda took part, on 16 August 1995, in a referendum on the question of whether Bermuda should proceed to full independence as a sovereign State or should remain a dependent territory of the United Kingdom. In that referendum, the proposal to proceed to independence was rejected. The votes cast were as follows:

| | |
|---|---|
| In favour of independence | 5,714 votes |
| Against independence | 16,369 votes |

### Article 2

8. In relation to the prevention of discrimination - not merely for the purposes of article 2 (that is to say, as regards the enjoyment of the rights enunciated by the Covenant), but also more widely, and not merely with respect to racial discrimination, but also with respect to discrimination on various other grounds - the Committee is referred to the detailed account of recent changes in Bermuda law relating to discrimination, and other recent measures taken in that field by the Bermuda Government, that is set out in the United Kingdom's fourteenth periodic report in respect of Bermuda under the International Convention of the Elimination of All Forms of Racial Discrimination (ICERD) (paragraphs 196-204 of CERD/C/299/Add.9). The Committee is also referred to the fifteenth periodic report under ICERD which has recently been submitted but has not yet been issued as a document of the Committee on the Elimination of Racial Discrimination (CERD). The Committee is referred in particular to the account given in the fourteenth report of the wider functions now vested in the Human Rights Commission (originally established by the Human Rights Act 1981) and to the functions of the Commission for Unity and Racial Equality (CURE) which was established by the Commission for Unity and Racial Equality Act 1994. As is noted in the fifteenth report, the draft Code of Practice for Race Relations in the Workplace that is referred to in paragraph 201 of the fourteenth report (CERD/C/299/Add.9) was in fact issued in

September 1997 (having been previously approved by the Legislature) under the title "Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment". As that title indicates, the Code is aimed not only at racial discrimination but also at discrimination between the sexes in the employment field. A copy of the Code is being transmitted to the Committee's secretariat together with the present report.

Article 3

9. In December 1995 the Bermuda Government appointed a Task Force to review and assess the status of women in Bermuda and, in the light of its assessment, to recommend any necessary legislation and/or policy initiatives or programmes. The detailed mandate of the Task Force was as follows:

(a) To compile and assess statistical data and information on the status of women in Bermuda with respect to:

(i) Employment and business activities;
(ii) Decision-making positions in the community;
(iii) Marriage, divorce and the family;
(iv) Domestic violence and child abuse;
(v) Educational opportunities and career training;
(vi) Involvement in crime;
(vii) Health and fitness;
(viii) Child care and after-school care;

(b) To identify any social, educational, economic, legislative or political factors, policy barriers or structures that prevent the full participation of women in any aspect of Bermudian life;

(c) To make recommendations to the Minister on legislative and policy initiatives, social and/or educational programmes and any other initiatives required to deal with each area identified.

10. In March 1997 the Task Force submitted its report to the Ministry of Legislative Affairs and Women's Issues (whose responsibilities in this matter have now been assumed by the Ministry of Health and Family Services: see paragraph 11 below) and it was laid before the Bermuda Legislature in June 1997. A copy of the report, which runs to over 150 pages plus annexes, is being transmitted to the Committee's secretariat together with the present report. A summary of the Task Force's 190 separate recommendations (by no means all of which, of course, are directly relevant to the Covenant) constitutes section 4 of its report (on pp.136-149). Many of the recommendations require further wide consultation and/or endorsement by other Departments of the Bermuda Government and some will require the enactment of fresh legislation, and their implementation is therefore not solely for the Ministry of Health and Family Services to determine or to effect. But it is for that Ministry to pursue and promote the necessary changes, whether in law or in practice, and to monitor progress, and this is currently being done. The following is a list of the action so far taken in pursuance of the Task Force's recommendations (again, ranging more widely than is directly relevant to the Covenant):

- A committee was formed to examine the issue of pay equity and the need for an Equal Pay Act and the issue of obligatory minimum benefits in the workplace (recommendations 11

and 18). On the first of these issues, an amendment to the Human Rights Act 1981 that was passed by the Legislature in July 1998 now gives effect to the principle of equal pay for equal work, subject to such qualifications as may be required to accommodate a seniority or merit system or a system based on productivity;

- The recommendation (recommendation 14) that there should be a Code of Employment Practice is satisfied by the issuance in 1996 of a Code of Good Industrial Relations Practice. This Code, published by the Labour Department of the Ministry of Labour, Home Affairs and Public Safety, had previously been submitted to the Legislature and approved by it. It is discussed in more detail in paragraph 18 below. The Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment, referred to in paragraph 8 above, is also relevant in this context;

- A policy for dealing with sexual harassment is being developed for government employees (recommendation 17);

- A Domestic Violence (Protection Orders) Act and a Stalking Act were both enacted in September 1997 (recommendation 36);

- The Ministry has established a Community Roundtable on Domestic Violence to improve the community response to cases of such violence (recommendation 38);

- The Ministry has begun to assemble brochures, pamphlets and educational material for translation into Portuguese to assist in raising awareness of the existence of helping services for women in the Portuguese community in Bermuda (recommendation 83);

- Legislation has been enacted which will permit the videotaping of police interviews for use as evidence in court proceedings and the Police service is making arrangements for its implementation (recommendation 52);

- Legislation has been enacted to enable the children of a Bermudian woman to acquire Bermudian status on the same conditions as the children of a Bermudian man (recommendation 82). The removal of the previous discrimination in this respect will facilitate the early extension to Bermuda of the Convention on the Elimination of All Forms of Discrimination Against Women;

- Though the Department of Labour and Training has been unsuccessful in its attempt to develop, through the Bermuda College, an examination to provide a local equivalent to High School Graduation (recommendation 114), it is now pursuing negotiations with an overseas education agency to set up a General Equivalent Diploma (G.E.D.) in Bermuda;

- The Bermuda Youth Counselling Service, operated by the National Drug Commission, began on 1 February 1998 to offer counselling services for young persons with alcohol or drug problems; (recommendation 132);

- Regulations prescribing minimum standards for nursing homes are currently being drafted (recommendation 158);

Regulations prescribing minimum standards for day care and nurseries have been drafted (recommendation 175);

A sex offenders rehabilitation programme for prison inmates has been established (recommendation 81).

11. The Bermuda Government established a new ministry - the Ministry of Legislative Affairs and Women's Issues - on 1 April 1996 to enhance the ability of the Government to consult and obtain advice on issues of concern to women and to women's organizations. As a result of a reshuffle of government ministries that took place on 6 May 1998, the responsibility for Women's Issues was transferred to the Ministry of Health and Family Services.

Article 6

12. Until about 20 years ago, a marked feature of the world of employment in Bermuda was a heavy reliance on expatriate workers, especially in the administrative, management and professional sectors, and also (a separate but related phenomenon) the disproportionate share of posts in those sectors held by white workers. During the past two decades, however, the Bermuda Government has vigorously pursued - and is still pursuing - policies both of "Bermudianization" (i.e. giving preference in the employment field to Bermudians over persons coming from outside the Islands) and of encouraging the employment of black Bermudians in skilled occupations and in positions of authority and responsibility. These policies have achieved considerable success, but problems still remain. Though the number of work permits issued to non-Bermudians has fallen substantially in recent years, Bermuda's economy still relies on its obtaining approximately 25 per cent of its work force from overseas. (While a significant number of the jobs in question are in skilled areas such as accounting, the law and finance, many of them are in the hotel trade and in landscaping.) Moreover, there has been some controversy concerning the employment of non-Bermudian spouses of Bermudians: these are given preference over overseas workers in the private sector but not in the public sector. As regards the elimination of the disadvantages suffered by black workers, it can be said that considerable strides have been made, especially in the public sector, towards the removal of the barriers to employment which they would formerly have encountered at certain levels or in certain occupations. But there is evidence that black persons (and also white women) still encounter such barriers at the upper management levels in the private sector. The Bermuda Government will continue to work for the abandonment of the attitudes and practices which lie behind this.

13. In this context (i.e. the drive by the Bermuda Government to enhance the employment prospects of black workers) and also with reference to other aspects of discrimination in the employment field, the Committee is again referred to the relevant passages (particularly paragraphs 196-201) of the United Kingdom's fourteenth periodic report in respect of Bermuda under ICERD and to the work of the Commission for Unity and Racial Equality (CURE) referred to in paragraph 8 above.

14. As regards technical and vocational guidance and training programmes, facilities and services are provided by the following institutions or organizations:

(a) The Bermuda College. The history, status and functions of the Bermuda College were explained in the second periodic report under the Covenant in respect of Bermuda, as supplemented by the United Kingdom's written replies to the Committee's "list of issues" arising

out of that report. The College is the main provider of technical and vocational training programmes in Bermuda. Its Department of Adult Continuing Education provides programmes in the following areas: business administration; certified professional secretarial courses; health/social services courses; computer information systems courses; hospitality/tourism courses; and technology and trades. The courses are usually run during the evening on a part-time basis. Admission to a particular course is dependent on the applicant having the basic academic, experience or skills qualification for him to be able to cope with the materials used in that course. The courses are run on the basis on a semester of 14 weeks. They cost between Bda$ 100 and Bda$ 365 per semester. The College also provides full-time day courses for secondary school graduates who meet the necessary academic requirements. These courses lead to certification at associate degree level or by reference to internationally recognised standards;

(b) Community Education Centres. The Community Education and Development Programme is offered, with the collaboration of the Department of Education, at Community Education Centres which are located at three different places. The classes are offered on a non-credit basis. Academic qualifications are not a prerequisite for admission. Fees range between Bda$ 30 and Bda$ 50 per semester. The areas in which courses are provided include the following: technical trades; industrial trades; health/beauty; commercial courses; computer education;

(c) Public schools. The Ministry of Education is currently restructuring the school system on the North American system of junior, middle and senior schools. A curriculum is being designed which will accommodate technical and vocational education. This will provide the foundation for further education in design and technology. The courses will be available to all children in the system;

(d) Businesses. Private training companies, and also employers in both the private and public sectors, offer training and apprenticeship programmes in a number of technical and vocational areas, including the following: office administration; computer skills; landscape gardening/horticulture/floristry; carpentry/plumbing/ masonry, etc; automotive repairs; electrical/mechanical engineering; hair/beauty; and food and beverage services. Apprenticeship programmes are open to persons between 16 and 21 years of age. The programmes usually last between two and four years and lead to an internationally recognized certificate such as that of the London Institute of City and Guilds;

(e) The Department of Labour and Training. In 1993 the Bermuda Government published a "Blueprint for the Future", setting out its commitment (which would be implemented through a Five Year Plan) to creating expanded opportunities for all Bermudians, to planning actively to minimize any disruption to the Bermuda economy from a reduction in the United States military presence in Bermuda, and to increasing efficiency, responsibility and accountability in government. In the field of employment, the Five Year Plan identified the following as the mission of the Bermuda Government: to establish firmly the process by which all Bermudians will compete and participate on equal terms in an expanding economy and job market; and to ensure that Bermudians have first access to employment and advancement in an expanding, healthy economy. The Department of Labour and Training was established in 1996, in accordance with the Five Year Plan, to help fulfil this mission and, more generally, to respond to what had been identified as a pressing need for a more structured approach to ensure that opportunities are available to provide Bermudians, at all levels, with the skills which they need to gain meaningful employment. The 1997/98 Budget makes provision for the Department to organise three separate training

schemes aimed at three different target groups: a Youth Training and Apprenticeship Training and Enterprise Scheme; an Adult Training and Enterprise Scheme; and an Employee Development Scheme. Potential trainees are assessed by qualified staff of the Department and referred to the appropriate training or employment programme. The Department's Training Unit works in partnership with employers, trade unions and training providers to develop and deliver the programmes required to meet the needs both of the labour market and the work-force;

(f) The National Training Board. The National Training Board Act 1997 has replaced the previous Apprenticeship and Training Council with a National Training Board which has responsibility for ensuring that opportunities exist for Bermudians to advance and fulfil their potential and that the necessary facilities are available for them to take advantage of those opportunities. The Board is composed of key decision-makers from the business community, trade union representatives, "lay" members of the public (i.e. not representing either employers or employees) and a number of government officials serving an in ex officio capacity. Its administrative staff will initially be provided by the Training Section of the Department of Labour and Training but the intention is that it should in due course enhance its autonomous status by employing its own staff. A Strategic Plan for the Board, which maps out some of its roles and functions and now provides the basis for its first Three Year Business Plan, was drawn up in 1996 by a firm of management consultants. Among the Board's principal functions are the organization and maintenance of a proper training system (including apprenticeships and other relevant programmes) and the establishment of the means to monitor the availability of trained manpower through a study of trends and needs in industry and trade. The Board will be responsible for developing a system of National Vocational Qualifications which will set the standards for technical and vocational training in Bermuda, and in particular it will be responsible for developing and establishing further occupational standards leading to a Bermuda technical or vocational qualification in each field. It will also license and certify competent personnel in their respective occupations.

15. As regards the incidence of multiple-job holding in Bermuda's work-force, the latest available statistics are those obtained from the 1991 census. These show that, at that date, some 2,325 workers (7 per cent of the total work-force) held two jobs and 214 (1 per cent) held three or more jobs. Disaggregated by sex, the corresponding figures are:

| | | |
|---|---|---|
| Male | - | 1,105 (7%) and 101 (1%) |
| Female | - | 1,220 (8%) and 113 (1%) |

It is to be noted, however, that Bermuda's economy was in recession at the time of the 1991 census; this would have affected the incidence of multiple-job holding.

## Article 7

16. As reported in paragraph 10 above (in the context of action taken to give effect to the recommendations of the Task Force on the Status of Women), the entitlement of men and women, without discrimination, to equal pay for equal work is now legally secured by the Human Rights Amendment Act 1998. As regards the entitlement of men and women to equal conditions of work, the Committee is referred to what is said in paragraphs 8 and 10 above - and see also paragraph 18 below - concerning the relevant Codes of Practice issued by the Commission for Unity and Racial Equality (CURE) and by the Department of Labour.

17. In respect of safe and healthy working conditions, the basic legislation remains the Health and Safety Act 1982 which, as well as regulating such matters as the reporting and investigation of accidents, etc. and empowering the making of particular regulations for each industry, provides for the establishment of Health and Safety Committees in each enterprise where there are more than five employees. In the latter part of 1996 this legislation was supplemented by a Code of Practice for Occupational Health and Safety Development, couched in non-legal language, which was designed to promote a better understanding of the topic. It does not replace or qualify the legislation but it provides guidance and assistance to those affected by it.

18. In the area of industrial relations (including such topics as promotion opportunities) there are two recent developments to be noted. The first is the establishment, in 1994, of the Commission for Unity and Racial Equality (CURE) and the subsequent activities of CURE relevant to the field of employment. These are described in paragraphs 199-201 of the fourteenth periodic report in respect of Bermuda under ICERD, and see also paragraphs 8, 10 and 16 above. It can be added that CURE is currently fostering good practice in this field by organizing workshops for employers on the subjects of managing diversity and ensuring equality of opportunity in the workplace. The second development is the publication, in 1996, of the Code of Good Industrial Relations Practice. This was produced by the Ministry of Labour, Home Affairs and Public Safety, in consultation with trade unions and with other organizations representing employers and/or employees. The Code, which takes account of existing legislation and the voluntary practices which have developed over the past 30 years, has no legal status and the guidance which it contains does not have legal force, but the Code offers help both to employers and to employees in the handling of such matters as discipline, trade union recognition, employee rights and equal rights. It points out that it is the responsibility of the employer to provide equality of opportunity in the workplace and it recommends that an employer who is committed to implementing an equal opportunities programme should develop a clear equal opportunities policy to ensure that no unlawful discrimination takes place and that equal opportunity is genuinely available; employees should be made fully aware of the policy. A copy of the Code is being transmitted to the Committee's secretariat together with the present report.

## Article 6 and 7

19. In addition to the specific information given above under articles 6 and 7 of the Covenant, treated separately, the Committee may find it helpful to refer, in relation to both articles, to the report by Dr. Dorothy K Newman, entitled "Bermuda's Stride toward the Twenty-First Century", which was published by the Bermuda Statistical Department (of the Ministry of Finance in the Bermuda Government) in November 1994 and a copy of which is being transmitted to the Committee's secretariat together with the present report. Dr. Newman's Report is a sociological study of the findings of the 1991 census. Though it is now some years since it was prepared, it is thought to remain relevant to present circumstances, and illuminating, in a number of respects touching on the implementation of articles 6 and 7.

## Article 10

20. The functions, in matters relating to article 10 of the Covenant, that were previously exercised by the Social Service Departments have now largely been concentrated in a single Department, the Child and Family Services Department. The task of this new Department is to give protection and assistance to families and children and, specifically, to provide preventative, developmental and supportive services that promote the well-being of children, adults and families;

to intervene and protect children and adults from abuse and neglect; and to coordinate programmes and activities that enhance the social functioning of individuals and groups. The Department is responsible for administering the applicable legislation in this field, as identified in previous reports under this article. The following are among the particular services which it provides to:

(a) Children and young persons:

(i) Early contact and preventative education where children are at risk;
(ii) Day care for babies and pre-school children;

(b) Individuals and families: intervention in troubled families and assistance for children in need of prevention from abuse or neglect.

However, the responsibility for providing the necessities of life to those who lack them and for assisting older persons and persons with disabilities is now discharged by the Department of Financial Assistance under the Ministry of Finance.

21. Attention is also drawn to a number of the recommendations of the Task Force on Women's Issues (see paragraphs 9 and 10 above) which have a direct bearing (although considered from a particular perspective) on the protection of the family, of mothers and of children and young persons.

22. The Convention on the Rights of the Child was extended to Bermuda on 7 September 1994 and the United Kingdom's initial report under that Convention in respect of Bermuda was submitted to the Committee on the Rights of the Child in March 1999.

## Article 11

23. The United Kingdom's second periodic report in respect of Bermuda under article 11 of the Covenant drew attention to the establishment and functions of the Bermuda Housing Corporation, in particular its responsibility for providing low-income housing and funds for homeowners to improve and develop their properties and also for subsidizing rented accommodation for some tenants. In connection with article 11, the Committee may therefore wish to see the most recent report of the Corporation (its 1997 Annual Report), a copy of which is being transmitted to the Committee's Secretariat together with the present report.

## Article 13

24. As was forecast in the second periodic report and is also noted in paragraph 14(c) above, the Ministry of Education is currently carrying out a restructuring of the school system. It is envisaged that, when this is completed, Bermuda will have 18 primary schools providing six years of schooling, 5 middle schools providing three years of schooling and two senior schools providing four years of schooling. The phasing in of this new system began in 1996 and is expected to be completed by 2002.

## Article 15

25. As previously reported to the Committee (particularly in the United Kingdom's response to the "list of issues" arising out of its second periodic report in respect of Bermuda), the

responsibility for ensuring the implementation of article 15 in Bermuda falls largely on the Department of Cultural Affairs (which is part of the Ministry of Community and Cultural Affairs of the Bermuda Government). As well as the activities previously reported as taking place under the auspices of the Department, mention can be made of a number of cultural events which are hosted by it and which the general public is invited to - and indeed is encouraged - to attend. These include the Heritage Month Exhibition, the Heritage Day Parade (organized jointly with the Department of Youth Development, Sport and Recreation), the Premier's Concert and the Emancipation Service. In addition, the Department, with the assistance of the staff of The Bermudian magazine, produces - and has done for many years - the annual Heritage Edition, a publication which affords the reading public opportunities to write, read and reflect upon Bermuda's cultural life and history. The Department also uses the medium of television, via programmes such as "Treasures" and "Bermudian Profiles", to inform the public of other aspects of Bermuda's history.

26. The Department of Cultural Affairs also provides financial support from its own budget for the promotion and advancement of the visual and performing arts and to organizations involved in the preservation and promotion of Bermuda's history. Among the organizations which receive regular funding from the Department are:

| | |
|---|---|
| The Bermuda Arts Council | $100,000 per annum |
| The Bermuda National Trust | $131,000 per annum |
| The Bermuda Historical Society | $6,000 per annum |
| The Menuhin Foundation | $75,000 per annum |
| The National Gallery | $50,000 per annum |
| The St. George's Historical Society | $3,000 per annum |

27. The Department of Cultural Affairs also seeks to promote international contacts and cooperation in the cultural field by providing financial assistance to such bodies as the Bermuda Film Festival and Bermuda Festivals Ltd. Moreover, the funding received from the Department by the Bermuda Arts Council enables the Council to encourage cultural links at the international level by a variety of means. The Council itself helps to fund local artists exhibiting in international shows and attending overseas workshops and conferences and also helps to fund appearances in Bermuda by performing artists from other countries.

## ANNEX B - BRITISH VIRGIN ISLANDS

### I. GENERAL INFORMATION

28. The Committee is referred to the core document (the "country profile" in respect of British Virgin Islands (the BVI) which is contained in annex III to HRI/CORE/1/Add.62. Save as is indicated in the following paragraphs of this report, the position as regards the matters covered by that core document remains substantially as described in it. However, the following more up-to-date statistical information should be substituted for the information set out in paragraph 1 of the core document:

| | 1997 | 1998 |
|---|---|---|
| Per capita income | US$ 28,434 | US$ 30,117 |
| Gross domestic product | US$(m) 534.3 | US$(m) 586.7 |
| Rate of inflation | 4.3% | 5.97% |
| External Debt | US$(m) 35.4 | US$(m) 32.3 |
| Rate of unemployment | 3.56% | N/A |
| Adult literacy rate | 98.2% | 98.2% |
| Percentage of population speaking English mother tongue | N/A | 90.0% |
| Life expectancy | | |
| Males | 72.5 | N/A |
| Females | 76.5 | N/A |
| Infant mortality rate (per 1,000) | 5.7 | N/A |
| Maternal mortality rate | 0.0% | 0.0% |
| Fertility rate | 2.21% | 1.74% |
| Percentage of population | | |
| Under 15 | 26.97% | 26.86% |
| 65 and over | 5.04% | 4.9% |
| Population | 19,107 | 19,482 |

(NB: It is estimated that about 40 per cent of the population are immigrants from Commonwealth countries in the Caribbean, mostly from St. Kitts-Nevis and St. Vincent. A further 10 per cent are from North America, Europe and other countries, the fastest-growing group being from the Dominican Republic.)

| | | |
|---|---|---|
| Percentage of population in urban and rural areas | (Tortola) 82.11% | (Tortola) 82.11% |
| (The broadly equivalent distinction in the BVI is between Tortola and the other islands) | (other islands) 18.0% | (other islands) 18.0% |
| Percentage of household headed by women | N/A | 28.7% |

29. In addition, the following information brings the core document up to date in the further respects indicated. The paragraphs cited in brackets are those of the core document.

(a) The Executive Council now comprises the Chief Minister and three other ministers as well as the Attorney General as an ex officio member (para. 5);

(b) As regards the Legislative Council (para. 6), the reference to "an island-wide electoral district" should have been a reference to "a territory-wide electoral district";

(c) It is now the practice for statutes passed by the Legislative Council and assented to by the Governor to be styled "Acts" rather than "Ordinances" (para. 7);

(d) The maximum period which may elapse after the dissolution of the Legislative Council before a general election is held is now three months (para. 8);

(e) The principal political parties in the BVI are now the Virgin Islands Party, the Concerned Citizens Movement, the National Democratic Party and the United Party (para. 14);

(f) It is now the practice for two Judges of the Eastern Caribbean Supreme Court to be resident in the BVI (para. 17).

30. In 1993 a review of the Constitution of the BVI was carried out by three Constitutional Commissioners. Their terms of reference were: "To carry out a review of the Constitution of the British Virgin Islands in response to the Resolution of the Legislative Council of the British Virgin Islands of 27 November 1992 and, in furtherance of Her Majesty's Government's policies, to ensure the continued advance and good government of the British Virgin Islands." The Commissioners' report was published in April 1994. A copy of it is being transmitted to the Committee's secretariat together with the present report.

31. Among the Commissioner's recommendations was that the Constitution of the BVI should include an enforceable Bill of Rights; and draft provisions for that purpose were annexed to their report. This proposal was among those that were considered when the Commissioners' report was debated in the Legislative Council in June 1996. The Legislative Council gave its general support to the proposal, though many Members registered the view that "great care must be taken" in determining the contents of any such Bill of Rights.

32. The Commissioners' report was accepted by the United Kingdom and BVI Governments and action to implement its recommendations was put in train as soon as possible. Most of the recommendations addressed to the United Kingdom Government will be implemented through the introduction of a new Constitution for the BVI; and the drafting of this is now in progress. Some of the recommendations addressed to the BVI Government have already been implemented and the BVI Government is preparing to implement the others.

## II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

33. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports under articles 6-9, 10-12 and 13-15 of the Covenant in respect of the BVI - or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. In respect of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

## Article 1

34. In chapter 3 of the report of the Constitutional Commissioners (see paragraph 30 above), the Commissioners discussed the question of full independence for the BVI. They reported that, although a few persons did not favour independence at all, at any time, many saw it as a natural development at some unspecified time in the future. The report referred to a resolution of the Legislative Council, adopted many years ago but still applicable, to the effect that independence should be sought only if a majority had voted in favour of it in a referendum. The Commissioners themselves regarded this as the most satisfactory procedure for determining the issue, and they recommended that the costs, obligations and liabilities consequent upon independence should be assessed by the BVI Government and the findings made public.

35. In the Legislative Council debate in June 1996 (see paragraph 32 above), most of the Members who spoke recognized independence as a legitimate goal for the BVI but none of them advocated an immediate move towards it. Some of them suggested that an alternative option would be full internal self-government, with the United Kingdom Government retaining responsibility for defence.

36. A separate recommendation made by the Constitutional Commissioners was that the BVI Government should consider establishing machinery for holding referendums on constitutional change. Independently of this, a National Referendum Bill was prepared in 1995 with the stated purpose of providing a legal framework for dealing with a situation where a special issue had arisen for decision which the Government considered to be of such national importance as to require to be put to the whole electorate. No action has so far been taken on this draft Bill.

## Article 2

37. The recommendation of the Constitutional Commissioners that an enforceable Bill of Rights should be included in the Constitution of the BVI (see paragraph 31 above) is, of course, directly relevant to article 2 of the Covenant, since the proposed Bill of Rights will include an express prohibition of discrimination of the kind referred to in article 2(2) and will provide a constitutional guarantee of effective remedies for any contravention of that prohibition.

38. Specifically as regards discrimination on the grounds of race, colour, etc., the Committee is referred to the United Kingdom's fourteenth periodic report in respect of the BVI under ICERD (paragraphs 205-224 of CERD/C/299/Add.9) and also to the fifteenth periodic report (recently submitted but not yet issued as a CERD document). In pursuance of the BVI Government's decision, noted in paragraph 213 of the fourteenth report, to introduce legislation along the lines of the model draft law provided by the United Kingdom Government (itself modelled on the United Kingdom's own Race Relations Act 1976, as amended), a bill for an Anti-Discrimination Act was drafted in 1998 and was introduced in the Legislative Council early in 1999 but, as mentioned in the fifteenth report, it had to be reintroduced after the holding of a general election. It is expected that it will be enacted in the near future.

39. The Constitutional Commissioners' report (see paragraph 30 above) included, in its chapter 8, a discussion of various problems or concerns in connection with "Nationality and Belonger Status". In the light of this, a committee (the Committee to Re-define Belonger Status) was established by the Executive Council in May 1997; it reported in September 1997. One of the matters which that committee considered was the effect of section 2(2) of the present Constitution

of the BVI which automatically confers Belonger status on a woman who marries a male Belonger but not on a man who marries a female Belonger - though such a man can apply for Belonger status without any qualifying period. The committee accepted that this was discriminatory and agreed that the discrimination ought to be eliminated.

40. The Belonger Status Committee also considered the particular problem of "marriages of convenience", which usually involve a male Belonger marrying a female non-Belonger for financial reward so as to enable her to acquire Belonger status. The recommendation of the Belonger Status Committee was that marriage should no longer result in the automatic acquisition of Belonger status and that the non-Belonger spouse, irrespective of sex, should have to satisfy a qualifying period of at least five years' ordinary residence in the BVI before becoming eligible to apply for Belonger status. However, this eligibility should not be adversely affected by the subsequent divorce or separation of the spouses and, once Belonger status had been acquired, it, too, should not be lost by reason only of such divorce or separation.

41. The recommendations of the Belonger Status Committee were accepted by the BVI Government and were communicated by that Government to the United Kingdom Government in October 1998 with a view to their being reflected in the new Constitution that is being drafted (see paragraph 32 above).

Article 3

42. The Convention on the Elimination of All Forms of Discrimination against Women was extended to the BVI in 1986. The United Kingdom's third periodic report in respect of the BVI under that Convention was submitted in January 1999 and was examined by the Committee on the Elimination of Discrimination against Women (CEDAW) in June 1999.

43. Attention is drawn to the proposal, discussed more fully in paragraphs 39 and 40 above, to remove the discrimination between men and women, inherent in section 2(2) of the present Constitution of the BVI, in connection with the acquisition of Belonger status on marriage.

44. In 1993, a Law Reform Committee was appointed by the Chief Minister's Office to identify the laws of the BVI which particularly affect women and also those areas particularly affecting women in which new legislation was needed, and to recommend reforms. This Committee reported in 1994. Among the topics which its report considered were domestic violence, sexual harassment, equal pay and maintenance. A measure of protection against domestic violence is now provided for by the Domestic Violence (Summary Proceedings) Act 1996 which, as its name indicates, enables relief to be sought in summary court proceedings in cases of domestic violence and in related matters. The law relating to sexual harassment and to equal pay is currently contained in the Labour Code, and this is being revised by a new Labour Code Bill which received its first reading in the legislature in September 1998. The right to maintenance is now regulated by the Matrimonial Proceedings and Property Act 1995.

45. In 1995 two women were elected to the Legislative Council out of a total of 13 elected members. In addition, women constitute the majority (approximately 53 per cent) of the holders of high office in the public service. They include the Attorney General; two out of the five Permanent Secretaries, two out of the three Deputy Secretaries and five out of the seven Assistant Secretaries; the Magistrate; the Chief Auditor; the Registrar of the Supreme Court; the Deputy Financial Secretary; the Deputy Director, Financial Services; the Chief Personnel Officer; the Inspector of

Banks and Trusts; the Registrar of Companies; the Accountant General; two out of the eight Medical Specialists; the Assistant Financial Secretary; all 14 primary school principals; the Hospital Administrator; one out of the three Senior Crown Counsels; the Assistant Director of Health; the Chief Social Development Officer; the Comptroller of Customs; the Chief Training Officer; the Manager of the Drug Rehabilitation Centre; the Clerk to the Legislative Council; and the Supervisor of Elections.

## Article 6

46. The BVI continue to enjoy virtually full employment, and there is no restriction on the right to work except the requirement, under the Labour Code, for immigrant workers to possess a work permit. To assist in maintaining and promoting full and productive employment, technical, vocational and educational guidance is provided in several ways, notably, at the H. Lavity Stoutt Community College (see paragraph 76 below); through a Continuing Education Programme (ibid.); and at a centre established by the University of the West Indies. Persons seeking employment may obtain assistance from the Labour Department, which will register them for that purpose, together with details of their qualifications, skills, abilities, etc., and will then bring this information to the attention of potential employers.

## Article 7

47. The Labour Code of the BVI makes provision for a minimum wage rate which is applicable to all employees in the BVI except established government employees and members of the Police Force. The minimum rate, which currently stands at $3.00 an hour, is fixed by the Minister for Labour in the light of recommendations made to him by an Advisory Committee. It is reviewed and adjusted periodically.

48. The BVI's Labour Code has for many years contained provisions aimed at promoting equal opportunity and equal treatment in employment matters and expressly prohibiting discrimination, on grounds of race, colour, creed or political beliefs, with respect, for example, to hiring, dismissal and the terms and conditions of employment. These provisions remain in force but, in practice, it continues to be the case that discrimination on grounds of race, colour, etc. is not a significant feature in the field of employment in the BVI.

49. Another longstanding - and still operative - feature of the BVI's Labour Code is the group of provisions which regulate rest periods and working hours, etc. Under the Code, an employer is required to provide his employees with a full day of rest (24 hours) in every period of seven consecutive days. The standard working day is set at 8 hours and the standard working week at 40 hours, and hours worked above these standard maxima attract statutory premium/overtime pay at 1½ times the basic rate. In addition, the Code obliges employers to give their employees paid annual vacation, which is currently set at a minimum of one day for each month worked during the year.

## Article 8

50. The trade unions which are currently registered under the BVI's Trade Unions Act are the British Virgin Islands Teachers Union, the British Virgin Islands Electricity Workers Union, the Daily Rated Workers Association and the Performing Arts Union. There are also public service

staff associations such as the BVI Nurses Association, the Fire Services Association and the Civil Service Association. Staff associations are not required to register as trade unions; but they may choose to do so, in which case they will get the same legal protection as trade unions for their activities as such.

Article 9

51. The BVI continues to enjoy a wide-ranging, statutory social security scheme. This was established under an Act of 1979 which came into operation in 1980. The ministerial responsibility for the scheme is currently vested in the Minister for Finance but it is managed by a Social Security Board consisting of seven members, of whom two represent employers, two represent employees, two represent the BVI Government and the seventh is the Director of the Board. As at the end of 1997, the Board had a staff of 26 officials. Appeals from decisions of the Board are heard by an independent Appeal Tribunal. This now consists of three members appointed by the Minister, of whom one (the Chairman) is a barrister, one represents employers and one represents employees.

52. The following benefits are provided under the social security scheme:

(a) Sickness benefits for those temporarily incapable of work as a result of illness;

(b) Maternity benefits (i.e. a maternity grant and a maternity allowance);

(c) Invalidity benefits for those permanently incapable of work as a result of physical or mental disability;

(d) Employment injury benefits (which may take the form of one or more of the following, as appropriate: injury benefit, disablement benefit, medical expenses, funeral grant, and death benefit);

(e) Age benefits (a pension or a grant, depending on the number of contributions made);

(f) Funeral grants; and

(g) Survivor's benefits.

53. The social security scheme is a compulsory insurance scheme to which employers, employees and self-employed persons are all required to contribute. In most cases the compulsory contribution amounts to 8½ per cent of the worker's insurable earnings, with the employer contributing 4½ per cent and the employee 4 per cent: a self-employed person contributes the full 8½ per cent himself. However, the contribution for government employees is 7½ per cent, with the Government contributing 4½ per cent and the employee only 3 per cent. (For this reason, government employees do not qualify for sickness benefits under the scheme.) There is also provision under which persons who have previously been compulsorily insured and who have paid the requisite number of contributions but who have become unemployed (and therefore no longer compulsorily insurable) may choose to become voluntarily insured under the scheme. Persons who do this must contribute at the rate of 7 per cent of their previous earnings (as established by the

Director) and they are then entitled to all benefits under the scheme except sickness benefits, maternity benefits and employment injury benefits.

54. The most recent annual report of the Social Security Board - this was for the year 1997 - was submitted to the Minister in July 1998 and a copy of it is being transmitted to the Committee's secretariat together with the present report. In it the Committee will find more detailed information, including relevant statistics, concerning the operation of the social security scheme. There is similarly being transmitted together with the present report a copy of a "questions and answers" booklet, entitled "Know Your Social Security Scheme", which the Board has published for the benefit of members of the public and which explains in simple terms the benefits of the scheme and the obligations connected with it.

Article 10

55. The Family Planning and Family Life Education Office, which was originally established in 1980 and which operates within the Community Health Department, continues its work aimed at helping individuals and families to deal more effectively with their domestic problems. Among the activities which it currently pursues to this end are the dissemination of general health-related education, the holding of workshops for the "AIDS Speakers Bureau" and the promotion of training for parenthood and education in family life.

56. With reference to the requirement in article 10 of the Covenant for special protection to be accorded to mothers before and after childbirth, a recent BVI Government report (the Health Sector Report 1998) indicated that, while the delivery of antenatal care forms a considerable part of private medical practice in the BVI, about 25 per cent of pregnant women receive antenatal care at the government clinics. Most pregnant women make their first attendance during the second trimester of pregnancy. The vast majority of deliveries (about 98 per cent) take place in hospital, and hospital delivery is actively encouraged: mothers from the out-islands come into the hospital at Road Town. Women in respect of whom the necessary contributions have been made under the social security scheme (see paragraphs 51-54 above) are entitled to maternity benefits: these take the form of a Maternity Allowance (weekly payments for a period of 13 weeks beginning no earlier than 6 weeks before the expected week of confinement) and a Maternity Grant. Women employees are currently entitled to a three-month period of maternity leave and the bill to amend the Labour Code that is currently under consideration (see paragraph 44 above) proposes to make it unlawful for an employer to dismiss a woman employee during her absence on maternity leave or to give her a notice of dismissal that would expire during such absence.

57. The Matrimonial Proceedings and Property Act 1995, which is referred to in paragraph 44 above, made provision for the financial maintenance of the children of the family in cases of divorce or judicial separation, and the previous provisions of BVI law relating to the care, protection and custody of children were updated. The Domestic Violence (Summary Proceedings) Act 1996 (again see paragraph 44 above) is also relevant to the matters dealt with in article 10 of the Covenant and specifically to the protection to be afforded to women and children. Yet another relevant development in this field, which took place in 1998, is the removal, to new and more spacious and more suitable premises, of the Fort Charlotte School for mentally or physically disabled children.

58. The Age of Majority Act 1994 reduced the age of majority from 21 years to 18 years.

59. The Convention on the Rights of the Child was extended to the BVI on 7 September 1994. The United Kingdom's initial report in respect of the BVI under that Convention was submitted to the Committee on the Rights of the Child in March 1999.

60. The Committee to Re-define Belonger Status (see paragraph 39 above) considered the status of illegitimate children born in the BVI. Under the relevant law regulating nationality (the British Nationality Act 1981 of the United Kingdom), an illegitimate child takes his or her nationality from the mother. If the mother is not herself a British citizen or a British Dependent Territories citizen, the child will not, at birth, acquire such citizenship and, under the rules regulating Belonger status, it will therefore not automatically have Belonger status in BVI law. After considering divergent views on this matter, the Committee to Re-define Belonger Status recommended that the rules regulating Belonger status should be modified so that any child born in the BVI would acquire Belonger status at birth if either the father or the mother was then a British Dependent Territories citizen by virtue of a connection with the BVI (and therefore had Belonger status) or was "settled" in the BVI (and therefore had Resident status). As stated in paragraph 41 above, the recommendations of the Belonger Status Committee, including this one, were accepted by the BVI Government and have been forwarded to the United Kingdom Government with a view to their being reflected in the new BVI Constitution that is being prepared.

61. As stated in paragraph 42 above, the Convention on the Elimination of All Forms of Discrimination against Women has been extended to the BVI and periodic reports under that Convention have been duly submitted, the latest (the third) in January 1999.

## Article 11

62. The BVI is not self-sufficient in terms of food and, though efforts are currently being made to revive the agricultural sector of the economy, production remains marginal and satisfies only part of domestic demand. However, this has not created any problems for the implementation of article 11 of the Covenant. The population of the BVI continues to enjoy a relatively high standard of living and, in particular, access to adequate food. Information about appropriate sources and levels of nutrition is disseminated by the Public Health Department and also through the schools, and there is no evidence of malnutrition.

63. In terms of clothing also, the BVI is not self-sufficient: there are currently no clothing production centres in the territory. But, in a situation where temperatures range between 24° and 36° throughout the year, it remains the case that there is no evidence of any significant problems as regards access for all to adequate clothing.

64. The relatively high standard of living of the general population of the BVI ensures that there is also no major problem as regards access to adequate housing, though one possible emerging problem is noted in paragraph 66 below. Most persons live in owner-occupied premises, which have to be constructed so as to conform to the high standards prescribed by regulations made by the BVI Government's Building Authority. Most houses are of sturdy concrete construction with their own independent water supplies from cisterns. The proportion of concrete houses (as contrasted with those with a wooden structure) has steadily increased in recent years, particularly in Tortola (the main island) though more slowly in Virgin Gorda.

65. The BVI Government does not operate any housing projects of its own. But it has, for many years, taken an active role in the provision of land for housing by subdividing major Crown

landholdings into house plots for sale. In addition, the Development Bank of the Virgin Islands (which is a Government-owned facility catering largely for persons with low incomes or middle incomes) is currently operating, in conjunction with the Social Security Board, a housing finance scheme primarily for the benefit of young first-home owners. This is seen as providing a source of finance which would be an alternative to the commercial banks' regular mortgage financing.

66. One possible problem that appears to be emerging in the housing field is a housing shortage, and consequent overcrowding, mainly among the immigrant population, as a result of recent and continuing large-scale immigration into the BVI from elsewhere in the Caribbean region. This problem is not yet acute, but the BVI Government are alert to it and are keeping the situation under careful review.

Article 12

67. The establishment of antenatal and postnatal clinics under the auspices of the Public Health Department (see paragraph 56 above) has assisted in reducing the incidence of stillbirths and infant mortality. The following are some relevant statistics for recent years:

| Year | Live births | Child deaths Ages 1-5 | Maternal deaths |
|---|---|---|---|
| 1994 | 299 | 5 | 1 |
| 1995 | 283 | 3 | 0 |
| 1996 | 287 | 4 | 0 |
| 1997 | 354 | 0 | 0 |
| 1998 | 281 | 0 | 0 |

68. There is a Child Health Clinic and attendance at it is good. Children are medically examined on entry into primary school, on entry into secondary school and before leaving secondary school. For the general population there are regular health clinics which serve the needs of both the urban and the rural population.

69. In addition, and besides the many private medical practitioners (including various specialists) and the many private clinics which exist, BVI has a public hospital, with 50 beds, which is situated in Tortola. The post of Chief of Medical Staff at this hospital has recently been created and filled. As at 1998, the staff of the hospital consisted of 19 physicians, an obstetrician/gynaecologist, an ophthalmologist, a pathologist, an internist/gastroenterologist, a surgeon, an anaesthetist, a paediatrician, a dermatologist, 69 nurses (47 trained nurses and 22 assistant nurses), 6 laboratory technicians, 3 pharmacists, 3 radiologists, 2 physiotherapists, an administrator and full support staff. The specialist medical services which are available include general surgery, anaesthesiology, paediatrics, obstetrics and gynaecology, internal medicine, ophthalmology and dermatology; and there are X-ray, ultrasound, medical laboratory, physical therapy and pharmacy services. In addition, there is a Government-managed home for elderly persons which currently looks after 29 residents.

70. The following are the statistics for Government recurrent expenditure on public health in recent years:

| Year | Community services | Hospital services | % of total budget |
|---|---|---|---|
| 1994 | $1,647,754 | $3,720,591 | 6.6 |
| 1995 | $1,851,993 | $3,968,895 | 11.5 |
| 1996 | $2,301,200 | $4,458,800 | 13.2 |
| 1997 | $2,460,190 | $4,682,624 | 13.0 |
| 1998 | $3,044,100 | $5,543,100 | 12.6 |

Article 13

71. The administration of the education system in the BVI continues to be governed by the Education Ordinance 1977 which provides for a coordinated system of public education, the registration of private schools, the inspection of schools and the registration of teachers. It remains the position, as previously reported, that attendance at school is compulsory for all children between the ages of 5 and 16 years. Education at government schools is free and is available to all, including the children of migrant families who are legally resident in the BVI, without restriction on grounds of race, religion, income, etc. The BVI Government provides a special grant for students who are unable to purchase textbooks or school uniforms and also for the purchase of hearing-aids and spectacles and to assist with transport to and from school in appropriate cases, e.g. in the case of students who have to commute daily from their home in Jost Van Dyke (one of the smaller islands) to the secondary school on Tortola.

72. As at 1998, there were 4,294 students receiving full-time primary or secondary education. Of these, 3,873 were in government schools or institutions (2,390 at the primary level and 1,483 at the secondary level). In the 1998 budget the sum of $5,115,100 was allocated to education in the pre-primary and primary school sector and $5,688,900 to education in the secondary school sector. The total percentage of the budget for that year that was allocated to education came to 15.2 per cent: this compares with figures of 14 per cent in 1995 and 11 per cent in 1990.

73. In response to an Education Review which was undertaken in 1988 to identify the causes of, and to propose remedies for various weaknesses that had been perceived in BVI's education system, the BVI Government has formulated a five-year plan for that system. Its essential purpose is to translate the proposed remedies into a coherent set of programmes, to be carried out over a period of five years. The plan lays down three major goals, with a number of specific objectives identified in relation to each goal. The three goals are designated: Access and Provision; Appropriate Curricula and Assessment; and Quality Assurance. The majority of the specific objectives identified in the plan have already been achieved or are currently in the development phase. It is estimated that the total cost of implementing the plan will be $13.6 million.

74. An area in which the BVI Government has for some years encountered significant difficulty has been the widening of access to secondary education. To help grapple with this problem, a programme known as "Literacy and Skills" was set up as far back as 1982, with its main focus being the provision of remedial education to students who were unsuccessful in the "Primary-V" (common entrance) examination. The programme was a three-year programme, under which students who successfully completed it graduated and, if they were "in good academic standing", were transferred to the BVI High School. It was widened in 1989 to include technical subjects such as electronics, plumbing, typewriting, woodwork, home economics, etc., and in 1995 it was

merged into the BVI High School. This was done in accordance with the BVI Government's five-year plan (see above), so that students who enter secondary school can be placed according to their academic strengths.

75. It must be reported that the provision of satisfactory facilities at the BVI High School has been adversely affected by the failure, to date, to complete the Senior Secondary Section as originally envisaged. At present, only the first of the three planned phases has been completed. However, this did not, in the event, result in the overcrowding that was feared nor did it impede the recruitment of new teachers, though it may have limited the implementation of certain programmes in modern settings.

76. In the field of higher education a major role is now played by the H. Lavity Stoutt Community College (named after a former Chief Minister), a public institution which was established in 1990. It offers university-parallel, technical, career and adult continuing education programmes and is the only institution providing tertiary education in the BVI. At the end of the 1997/98 academic year it had an enrolment of over 700 students.

77. In the field of continuing (i.e. adult) education, the University of the West Indies (UWI) School of Continuing Studies provides advanced courses in several areas: associate degrees are offered in Business Administration, Liberal Arts (incorporating the Cambridge University A-level examinations), Teacher Education and Computer Studies. To accommodate the needs of those who wish to pursue further studies, the H. Lavity Stoutt Community College has developed various formal and other collaborative arrangements both with regional tertiary institutions (the University of the West Indies and the University of the Virgin Islands) and with international tertiary institutions. There is an academic Continuing Education programme designed to enable students who wish to pursue college-level programmes of the kind mentioned above to satisfy the course prerequisites for those programmes.

78. A Summer Institute in Education for teachers was established by the College in 1996 in collaboration with the Ministry of Education and Culture. The first session, which was held in August 1966, had 258 participants and had four areas of focus: classroom management; measurement and evaluation; reading and comprehension; and administration and management. In 1997, the Summer Institute focused on problem-solving in mathematics; methods of teaching social studies; conflict resolution; curriculum development; and children with special needs. The 1998 Summer Institute was divided into two main sections: the subjects considered by primary school teachers were constructing classroom tests; evaluating narrative, descriptive and expository writing; and technical education; while those dealt with by secondary school teachers were constructing classroom tests; unit planning and performance objectives; and leadership styles.

79. Teachers' salaries in the BVI were last formally revised in 1995, as a result of which the salaries of trained teachers were set at a higher level than the salaries of their counterparts in other branches of the public service. Special emphasis was attached to having teachers who were trained before they entered the classroom. In July 1993 the BVI Government introduced a medical insurance scheme which covered teachers as well as other public servants.

80. The BVI benefits in a number of ways from international assistance in the field of education. In particular, there are Training Awards provided by the United Kingdom Government, a West Indies Scholarship and Training Scheme, and Commonwealth Scholarships provided by the United Kingdom, New Zealand and Canada.

## Article 15

81. In April 1993 the Ministry of Education and Culture appointed a cultural officer with the responsibility for helping the development of local culture and related activities in the BVI. Among her particular achievements to date have been the organizing of local radio programmes - there have also been some television programmes and more are planned - to disseminate current and historical cultural information; the initiation of cultural dance groups in several public schools; and working with various regional organizations to implement Caribbean-wide cultural programmes. The local radio programmes that have so far been broadcast have centred round Education Week (which falls in March) and Culture Week (which falls in October). The television programmes, entitled "Eye on Culture", have so far appeared only occasionally: their frequency is governed primarily by considerations of cost and the availability of the relevant technical expertise. Other achievements in this sphere include the organization of a dance programme (started in 1997); the promotion (with the assistance of a steel pan teacher on secondment from the Ministry of Culture of Trinidad and Tobago) of steel pan music (started in 1995); the organization of the annual Culture Week (started in 1994); the organization of workshops/seminars for bands, festival troupes, etc; the despatch of cultural groups to Carifesta (the Caribbean Festival of the Arts); and the provision of assistance, e.g. by way of financial contributions, to cultural groups such as "writers in progress".

82. The H. Lavity Stoutt Community College has sponsored two creative writing workshops, one in 1996 and one in 1998, as part of an ongoing series of workshops mounted by the college. One, on the writing of poetry and prose, was led by Dr. Velma Pollard of Jamaica and the other, on the writing of the one-act play, was led by Mr. David Edgecumbe of Montserrat. In each case provision was made for teachers to attend and upgrade their skills in the relevant areas.

83. As in previous years, the Ministry of Education and Culture continues each year, in connection with Education Week and the annual Commonwealth Day celebrations, to produce a booklet largely reflecting children's writing and art. Both public and private schools participate in this activity. The BVI Government gives a grant to public schools to assist their Commonwealth Day celebrations.

84. With the encouragement of the Ministry of Education and Culture, the BVI High School Band has in recent years performed in several Caribbean countries: in Antigua in 1988; in St. Kitts in 1990; in St. Lucia in 1991; in Montserrat in 1994; in Anguilla in 1996; and in the Dominican Republic in 1998. The visit to St. Lucia was at the request of the Planning Officer of the St. Lucia Ministry of Education and was followed by the establishment of a similar school band in that country.

85. Students from the BVI attending educational events (e.g. science fairs) organized by the Organization of Eastern Caribbean States (OECS) have continued to take the opportunity to perform, at those events, cultural activities (e.g. music and drama) representative of the BVI. (It is a feature of the OECS science fairs that the participants from each country are required to give, as part of the "cultural night" activities, performances indicative of that country's cultural heritage.) Similarly, the BVI Heritage Dancers and the "fungi bands" (folk bands using traditional instruments and playing folk music) have been sent by the Ministry of Education and Culture to participate in regional cultural activities such as Carifesta and Expotech (sponsored by the OECS) in Antigua and Grenada. Other artists (e.g. painters and poets) have also been sent to similar events. The BVI Heritage Dancers and a group called "The Spark Plugs" have also been sent to

the United States and to Europe by the BVI Tourist Board, primarily for tourism promotion purposes. All these groups and artists also perform, of course, at local events, in particular those connected with Christmas, Festival, Culture Week, etc. They thus help to keep BVI's local cultural forms alive and thriving.

## ANNEX C - CAYMAN ISLANDS

### I. GENERAL INFORMATION

86. The Committee is referred to the core document ("the country profile") in respect of the Cayman Islands which is contained in annex IV to HRI/CORE/1/Add.62. Save as is indicated in the following paragraphs of this report, the position as regards the matters covered by that core document remain substantially as described in it. The most up-to-date estimate of the population of the Cayman Islands (as in 1997) is 36,200, the majority of whom live in Grand Cayman, with some 1,600 in Cayman Brac and some 130 in Little Cayman.

87. The Committee may find it helpful, as the background to some of the material set out in Part II below, to have the following information relating to the economy of the Cayman Islands in 1997 (the most recent year for which such information is available).

88. In general, the economy continued to be very healthy, growing by 9.0 per cent in the year, while inflation remained low, with a consumer price index of 2.7 per cent. The largest single source of government revenue, import duties, rose by some $7 million over the figure for the previous year (itself a record). The gross domestic product rose by 5.5 per cent to reach $568.8 million (at 1986 constant prices). Tourism and financial services, which have historically been the twin pillars of the economy, continued to be dominant but other sectors also performed well.

89. In the financial sector, increased regulatory supervision and enhanced professional expertise led to significant growth. The number of mutual funds rose by 26.2 per cent (from 1,335 to 1,685), with registered funds increasing by 43 per cent; and the number of fund administrators rose from 124 to 139 (an increase of 12.1 per cent). Banking activity remained vigorous, with licensing enjoying a moderate increase of 2.8 per cent and reaching a total of 594 licences at the end of the year. However, this general success was partly blighted by one bank failure (the First Cayman Bank) which caused a loss of millions of dollars for the bank's depositors. There was, of course, a very thorough investigation into this event, from which it is now clear that there is a need for closer monitoring of commercial banking practices. Insurance activity also continued to flourish, with a record number of new licences (50 in all) being issued in the course of the year.

90. The tourism sector of the economy also continued to thrive, with the number of tourist arrivals reaching 1.2 million, an increase of 9.0 per cent over the previous year. The increase for cruise ship arrivals was 12.2 per cent. Visitor expenditure during the year was approximately $426 million, an increase of no less than 37.4 per cent over 1996.

91. The construction sector of the economy was also buoyant during 1997. The value of planned new construction in the year was $290 million, which represented an increase of 35.3 per cent over 1996. In the residential and government categories the value of construction activities decreased by 4.9 per cent and 55.7 per cent respectively, but all other categories showed increases, in some cases very large increases: for example, in the hotel category the increase was 374.1 per cent and in the commercial/industrial/other category it was 59 per cent. Part of the cause of these particular increases was the carrying out of major renovation work at the Marriott Resort, the expansion of the Hyatt Regency Hotel and the completion of several office buildings and shopping centres. The Cayman Islands Government's own estimated recurrent revenue in 1997 was $217.7 million, while its recurrent and statutory expenditure was $206.6 million. Its capital

expenditure was $44.1 million, an increase of 29.3 per cent over 1996 which was largely accounted for by the construction of the Harquail By-pass and of the Health Services Complex.

92. The above statistics for the construction sector of the economy relate to Grand Cayman. The position as regards the "sister islands" of Cayman Brac and Little Cayman is that the overall value of new construction declined in 1997 by 17.3 per cent, the total value for the year being $8.6 million. But there were some categories in which construction activity in those two islands was very lively: the increase in the value of new construction in the residential category was 125.9 per cent and in the commercial/industrial/other category it was 137.4 per cent.

93. The Cayman Islands Government's total revenue in 1997 was $243.1 million, of which $217.7 million were recurrent revenue and $25.4 million were loan income. Government expenditure in 1997 was $246.2 million, including $1 million transferred to the general reserve. The deficit for the year was thus $3.1 million, but after taking into account a surplus which had been brought forward at the end of 1996 there was an overall surplus of $2.7 million. At the end of 1997 the general reserve balance was $8.9 million and the public debt stood at $82.9 million.

94. It may be added that the Cayman Islands Government has recently taken certain steps with a view to assisting the development of the island of Cayman Brac as an emerging market. Towards the end of 1996 it introduced a number of special incentives to encourage investment on that island. In particular, import duties on building materials have been removed and stamp duties on some land transfers were lifted. These incentives remain operative.

## II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

95. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports under articles 6-9, 10-12 and 13-15 of the Covenant in respect of the Cayman Islands – or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. In respect of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

### Article 1

96. As is explained in the core document, and as is provided by the Elections Law, general elections to the Cayman Islands Legislative Assembly are required to be held at intervals of no more than four years: the two most recent general elections took place in November 1992 and November 1996. At neither of these elections was the question of the constitutional relationship of the Cayman Islands to the United Kingdom brought up as an issue nor has it been raised in recent years in the Assembly. Indeed, the apparent general consensus of the population of the Cayman Islands is that the Islands should remain a British Overseas Territory. But the United Kingdom Government has consistently made clear that, if there were ever to be a general desire for the Cayman Islands to proceed to full independence, the United Kingdom Government would not stand in its way.

Article 2

97. With specific reference to discrimination on grounds of race, etc, the Committee's attention is drawn to the United Kingdom's fourteenth period report in respect of the Cayman Islands under ICERD (paragraphs 225-244 of CERD/C/299/Add.9).and also to the fifteenth periodic report which has recently been submitted but has not yet been issued as a CERD document. In general, the Cayman Islands continues to be a racially harmonious and fully integrated society. In the particular field of employment, Cayman Islands law has for some years expressly prohibited discrimination on the grounds of race, colour, creed, sex, age or political beliefs, and any breach of that prohibition (currently contained in the Labour Law 1987) could give rise to either civil or criminal proceedings for redress. In practice, the Director of Labour has, to date, received only a few complaints about discrimination and has been able to resolve them informally and amicably between the parties; in some cases, where the complainants had actually been dismissed, the parties themselves, through their lawyers, directly negotiated a financial settlement. It should be mentioned, however, that the Immigration Law 1992 does differentiate, in relation to employment, between persons with "Caymanian status" (who are subject to no restriction on their right to work) and persons who do not have that status (who, in general, may not carry on any gainful occupation in the Cayman Islands except under the authority of a work permit). But this distinction between Caymanians and non-Caymanians is of course a quasi-nationality distinction and has nothing to do with the race, colour, ethnic origin, etc. of those concerned. Applications for work permits are considered with reference to such factors as the character, reputation, health and qualifications of applicants, the need of the community for the skills which a particular applicant can provide and the availability of Caymanians with comparable skills. Again, race, colour, ethnic origin, etc. are not relevant factors. Persons who are married to Caymanians or are descended from Caymanians but who are not themselves Caymanians are given preferential treatment in the grant of work permits.

Article 3

98. It continues to be the case, both in law and in practice, that no differentiation is made between men and women as regards their enjoyment of the rights set out in the Covenant. This is subject to the technical qualification that the requirement, under the Immigration Law 1992, that an applicant for Caymanian status must intend to establish his or her domicile in the Cayman Islands is dispensed with in the case of a married woman who lives apart from her husband but whose domicile (in the legal sense) has to remain that of her husband. In substance, of course, this qualification operates as the removal of a disability which would otherwise affect women only.

99. Women are in fact represented in all sectors of society and often in positions of high responsibility. There are currently three women members of the Legislative Assembly, one of whom is the Minister responsible for Community Affairs, Sports, Women, Youth and Culture. Of the 2,319 members of the public service (civil servants), 1,315 are women and 38 of these hold senior management positions (representing 34 per cent of the total number of senior management positions in the service). The average salary of women civil servants is $31,763.48 per annum, compared with $35,336.33 per annum for men civil servants. The total work force of the Cayman Islands in October 1997 was estimated to comprise 10,420 men and 10,305 women. The Cayman Islands have no legislation on equal pay, but it is not uncommon that, in families where both spouses work, the woman is the higher earner.

## Article 6

100. As explained in paragraph 97 above, there are no restrictions on the right to work of persons who possess Caymanian status but, under the Immigration Law, persons who do not possess that status may not engage in gainful employment unless they have been granted a work permit. In general, the government department responsible for the matters dealt with by article 6 of the Covenant is now the Department of Human Resources and it is under the aegis of that Department that employers may register vacancies with the Labour Board for which job-seekers may then apply. The numbers of job-seekers using this facility in recent years were as follows: 1994 - 510; 1995 - 338; 1996 - 220; 1997 - 284; 1998 (up to the end of October) - 325. Although the number of applicants consistently exceeded the number of vacancies, most of these job-seekers in fact found employment, partly because employers with vacancies often fill them by other means than through the Labour Board, e.g. by newspaper advertisements or through family contacts. (It is also the case that registering a vacancy with the Labour Board is sometimes merely a formal step which the employer finds it helpful to take before applying to the Immigration Board for a work permit for a non-Caymanian to fill it.)

101. The Department also runs a job-counselling programme, which includes the use of video tapes to help unskilled applicants prepare their job applications. Another programme ("Project Prepare") which the Department has recently initiated is aimed at the rehabilitation, and the reintegration into the community, of ex-offenders, who are given both formal education and vocational training in schemes based on cost-sharing partnerships with government entities. One member of the Department's staff is now assigned full time to this programme.

## Article 7

102. The Department of Human Resources is also now the department responsible for the topics dealt with in article 7 of the Covenant. Its principal legislative instrument in this field remains the Labour Law which continues to contain the provisions necessary to protect the right to the enjoyment of just and favourable conditions of work. In particular, these provisions, as well as including a prohibition of discrimination (whether by an employer or an employee) with respect to any person's hire, promotion, dismissal, tenure, wages, hours or other conditions of employment by reason of race, colour, creed, sex, pregnancy (or any reason connected with pregnancy), age, mental or physical disability, or political belief, also lay down limitations on hours of work and regulate the right of employees to sick leave, maternity leave and vacation leave. They also establish the general duty of employers to safeguard the health of their employees and to provide safe and healthy working conditions. It is to be noted in this context that the Labour Law requires every employer, when entering into a contract of employment (other than with a casual employee or a household domestic employee), to give the employee, within 10 working days, a written statement of his conditions of employment. This must cover:

(a) Job title, and a brief statement of the employee's general duties and responsibilities and of any special requirements or conditions of the job;

(b) The regular hours of work, and any related particular terms or conditions;

(c) The rate of remuneration or the method for calculating it;

(d) The intervals at which remuneration is to be paid;

(e) Where the pay is other than on an hourly basis, the hourly equivalent or, in an appropriate case, the rate of commission;

(f) The period of employment, if other than indefinite;

(g) The period of probation, if any;

(h) Holiday entitlement, or the method for calculating it;

(i) entitlement to sick leave; and

(j) The length of notice, on each side, for terminating the contract.

103. The responsibilities of the Department of Human Resources include receiving and investigating complaints in the field of labour relations and, where possible, resolving them amicably, though contraventions of the provisions of the Labour Law or of regulations made under it may constitute criminal offences for which, in appropriate cases, prosecutions may have to be brought and for which a convicted offender may be fined or imprisoned or both. By far the majority of the complaints which the Department receives concern such matters as unfair dismissal, the non-payment of severance pay and the withholding of other benefits or entitlements. Complaints may be made to the Department either formally or informally. In 1997 the Department handled 207 formal complaints and 425 informal complaints, while in 1998 (up to October) the respective figures were 144 and 310. In certain circumstances, a case may be referred to a tribunal for a "labour hearing", at which it is not uncommon for the parties to be legally represented. In 1997 there were 8 such references and in 1998 (up to October) there were 25.

104. Another recent development has been the carrying out of research into problems of employers and employees as these particularly affect the islands of Cayman Brac and Little Cayman. As a result, it was decided that these two islands needed the services of a full-time labour inspector, and this post was created, and filled, in early 1998.

## Article 8

105. The right to form trade unions and to join the trade union of one's choice for the promotion and protection of one's economic and social interests continues to be enjoyed by everyone in the Cayman Islands, as do the associated rights set out in article 8 of the Covenant, including the right to strike. Trade unions are required by law to be registered by the Registrar of Trade Unions. The following seven trade unions are currently so registered: the Worldwide Seamen's Union; the Officers' Union of International Seamen; the Union of Transport Workers; the Union of International Seamen; the International Maritime Union; the Global Seamen's Union; and the International Maritime Officers and Seamen Union.

## Article 9

106. Until relatively recently, the Cayman Islands had no formal social security, or social insurance, provision. However, the National Pensions Law 1996, which came into force in July 1997 and whose provisions began to be fully implemented in June 1998, now requires every employer in the Cayman Islands to provide a pension plan, or to contribute to a pension plan, for every person employed by him in the Islands. Both employers and employees are required to

contribute towards the funding of pensions under the relevant plan. A pensions superintendent and supporting staff were recruited and began work, and a Pensions Office was opened, in April 1998, i.e. even before the full implementation of the Law.

107. In the wider field, the Department of Social Services continues to provide assistance, in a variety of forms, to the unemployed, the elderly and the indigent. Among the kinds of assistance which the Department undertakes are the issuing of food vouchers; the issuing of school uniform vouchers, book vouchers and luncheon vouchers for children; the provision of burial assistance; the arrangement of placements, or the provision of assistance, to meet medical and special needs; the provision of financial assistance for housing or the provision of government housing; and general financial assistance and counselling. All applicants for assistance are interviewed and their personal circumstances are investigated in order to verify that there is a genuine need. One special situation in which the Department's services were invoked was the aftermath of heavy flooding in late 1996, when there was a need to find alternative accommodation for the many families who had been displaced by the floods.

## Article 10

108. As previously reported, the legislation and administrative practices in force in the Cayman Islands have for many years included a wide range of measures for ensuring the protection and well-being of families, mothers, and children and young persons and, where necessary, the provision of assistance to them. These measures, which continue in force and have been updated from time to time, cover such matters as contraceptive services, ante-natal services, marriage, maternity leave, matrimonial disputes, domestic violence, maintenance, inheritance, the age of majority, adoption, guardianship and custody, foster-care and caring-homes, restrictions on youth employment and, of course, the treatment of young offenders (or alleged offenders) and the treatment of children at risk or otherwise in need of special care. Two relatively recent measures particularly concerned with the protection and welfare of children and young persons are the Children Law 1995 and the Youth Justice Law 1995. A comprehensive account of the legislation of the Cayman Islands in this field (including these two recent pieces of legislation), and of the relevant policies and administrative practices of the Government of the Cayman Islands, is set out in the United Kingdom's initial report in respect of the Cayman Islands under the Convention on the Rights of the Child (which was extended to the Cayman Islands on 7 September 1994). That report was submitted to the Committee on the Rights of the Child in March 1999.

## Article 11

109. The economy of the Cayman Islands remains buoyant and, with the maintenance of full employment, continues to provide the population as a whole with one of the highest standards of living in the region. In this situation, the Government of the Cayman Islands has not found it necessary or useful to legislate expressly for the enjoyment of the right to an adequate standard of living or for particular aspects of it such as the rights to adequate food, clothing and housing. The enjoyment of these rights, as set out in article 11, continues, instead, to be secured by a number of practical measures and policies as explained below.

### Food

110. The Cayman Islands Government has continued its policy of extending the range of basic foodstuffs which are exempted from the import duty tariff (even though import duties provide the

Government with much of its revenue). The list of foodstuffs which are now exempt includes cereals, milk, rice, raw sugar, wheat flour, onions, potatoes, all poultry, salt beef, salt fish, cheese, coffee, tea, margarine and cornmeal.

111. The Department of Agriculture has continued to extend its programmes to encourage the reduction of the Islands' dependency on imported food. All agricultural equipment and supplies are now admitted free of import duty, as are pure-bred livestock (i.e. cattle, goats and chickens) brought in by the Department to upgrade the Islands' own stock. Bulls' semen is also imported and is successfully used in upgrading and expanding local cattle herds. To the extent that land quality and water resources permit, emphasis is currently being placed on innovative technology, such as hydroponics and irrigation schemes, to increase production. The Department of Agriculture continues to maintain an experimental farm on which different varieties of plants and growing methods are tested: the results are reported to district meetings of farmers which are arranged in cooperation with the local Agricultural Society.

112. The protection of water resources and the prevention of degradation caused by over-pumping or saltwater intrusion remains a high priority, and the relevant legislation on water abstraction continues to be firmly enforced. At the same time, the Department of Agriculture maintains its programme of lectures and farm visits by its staff to disseminate knowledge and advice on conservation methods and on food production generally. The Cayman Islands Government has also hired an agronomist to advise on new methods of food production. There has for many years been a farmers' market, for the marketing of local produce, which is managed by a Government-employed agricultural marketing officer and is leased by the Cayman Islands Farmers' Cooperative.

113. The Government of the Cayman Islands continues to promote the regular dissemination of the principles of nutrition by means of social education in the schools, by advice given by public health nurses in the government health centres and by encouraging the publication of articles on the topic in the local press.

Clothing

114. In the tropical climate of the Cayman Islands, ensuring access to adequate clothing is not a major problem. Although there is still no large-scale commercial production in the Islands, adequate clothing remains easily affordable for most persons and distribution of new or clean used clothing to needy families or indigent persons continues to be undertaken by the Department of Social Services or by the churches and other voluntary bodies. The Department of Social Services continues to provide free school uniforms and other clothing to children in foster-care or in the caring-homes.

Housing

115. The Housing Development Corporation, which was established by law as long ago as 1981, continues to promote housing development. Since 1995, new housebuilding has been regulated by the Development and Planning Law and the Building Code (based on a United States model), which together impose strict building requirements to protect against earthquakes and hurricanes and also incorporate plumbing and electrical codes or policies. This regulatory structure is enforced by a statutory licensing and inspectorate system. In the field of tenanted accommodation there has recently been a problem with substandard housing, and the Planning Department has had

to be vigilant in enforcement and control. As a result, the situation has now improved but the Cayman Islands Government recognizes the need for it to continue to be closely monitored. As a result of works carried out over the last few years, a public piped-water supply now covers most of Grand Cayman, thus greatly reducing the previous health risks associated with the use of groundwater supplies underlying heavily populated areas. Plans are now in hand to provide a piped-water supply to East End and Northside in Grand Cayman and to the island of Cayman Brac.

Article 12

116. The Government of the Cayman Islands has continued to pursue policies and practical measures aimed at securing for the population of the Islands the highest attainable standards of physical and mental health. Among developments in recent years have been the construction and commissioning of three district health centres - the West Bay, East End and Northside health centres on Grand Cayman, which were all completed in 1997 - and the continued phased development of the Cayman Islands Health Services Complex, in which the physiotherapy and mental health units were opened in September 1997 and several departments, including the Children's and Maternity Wards, were opened by October 1998. The building of a new private hospital in George Town began in mid-1998 and is expected to be completed in the course of 1999. Other recent developments (also in 1997) include the enactment of legislation providing for a National Drug Council and also legislation for a system of compulsory health insurance for all residents. In addition, a national five-year Strategic Plan for the Health Services was tabled in the Legislative Assembly in 1997 and was accepted.

117. The two hospitals (including one in Cayman Brac) and four district health centres now put medical care within reach of all residents of the Islands. In the district health centres, public health nurses provide primary care and doctors visit on a regular basis to provide medical care. A radio control system ensures the quick despatch of ambulances to any accident, and both hospitals are equipped to deal with most trauma cases. In cases where the care needed is beyond the resources available locally, air ambulances are available to take the patient overseas for treatment.

118. In addition to the government health services, there are two private clinics and a large number of private practitioners. Persons who cannot afford the charges at the government facilities can obtain free care through the Department of Social Services, and all children of school age continue to enjoy free outpatient services at the hospitals and government clinics. The Education Law provides for the compulsory medical inspection of all schoolchildren. Specialist services are now available in the fields of surgery, gynaecology and obstetrics, paediatrics, internal medicine, anaesthesiology, public health, orthopaedics, ophthalmology, ear, nose and throat, and periodontology.

119. Health knowledge continues to be disseminated through social education in the schools. A family life education curriculum is taught at all levels of the school system. Public education forums have been held on a variety of subjects, including AIDS, colon and breast cancer, and hereditary diseases.

120. In the area of public health, the principal legislative framework remains the Public Health Law which, among other things, regulates such matters as water quality, nuisance abatement, offensive trades, the prevention and suppression of disease, solid waste management and rodent control. However, a number of administrative and programme changes have recently been

introduced with a view to strengthening environmental health activities. The Cayman Islands Government has also sought to ensure greater cooperation and consultation between government departments in order to achieve better monitoring of the environmental effects of large-scale development.

121. In the particular field of traffic accident casualties, the Cayman Islands Government has continued to pursue a policy of traffic accident prevention, especially through such measures as the reduction of speed limits and the active enforcement of those limits. It also currently promotes a programme of public education through the mass media on such topics as the use of seat belts for drivers and of safety seats for infant passengers and also the dangers of driving after consuming alcohol or drugs.

122. The following are the most recently available (1997) statistics for the provision of medical services in the Cayman Islands.

| | |
|---|---|
| Public expenditure on health and medical services | CI$ 29.2 million |
| Number of hospitals | 2 |
| Number of district health centres | 4 |
| Number of hospital beds | 77 |
| Admissions | 3 877 |
| Discharges | 4 228 |
| Live births | 572 |
| Neonatal deaths | 1 |
| Infant mortality rate | 1.7 |
| Physicians per 1,000 pop. | 2.0 |
| Nurses per 1,000 pop. | 5.0 |

The major causes of death remained diseases of the circulatory system and malignant neoplasms. Immunization coverage continued to exceed WHO targets, as follows:

| | |
|---|---|
| Polio | 96.3 |
| DPT (diphtheria/whooping cough/tetanus) | 95.3 |
| Haemophilus influenza B | 96.0 |
| MMR (measles/mumps/rubella) | 92.5 |

Article 13

123. As previously reported, Cayman Islands law has for many years provided for compulsory education for all children of Caymanian status who are of school age (currently from 4 years and 9 months to 16 years). Education is in fact now available at public expense to all such children from the age of 3 years and 9 months if their parents wish. The regular attendance of school pupils continues to be required by law, and parents whose children fail to attend without lawful excuse are liable to fines. There is a truancy officer in the Education Department to whom schools submit all referrals on truancy matters. All children who reside in the outer districts but who attend the middle, secondary or special schools in the capital, George Town, are transported there for that purpose, for a small fee. Schoolchildren from poor families receive free lunches, at government expense, in the schools which they attend.

124. In addition to the government schools (see below), the Cayman Islands schools system has a flourishing private sector. There are 10 private schools which provide primary and/or secondary education, and a number of these follow the American system of education. Several private schools receive annual government grants and other assistance. All private schools are monitored by the Education Department and all teachers in private schools are required to hold licences issued by the Education Council (a body of 12 members set up under the Education Law 1983 to promote education and the development of schools). It is considered that the private schools make a significant contribution to the academic education of the Islands' youth.

125. In the public sector of the schools system, the Cayman Islands Government currently maintains, entirely at public expense, 10 primary schools, 1 middle school and 2 secondary schools, as well as an alternative education centre (a type of reform school) and a school for pupils with mental or physical disabilities. There is also the Sunrise Adult Training Centre, which is a sheltered workshop for adults with physical or mental disabilities. All teachers within the Islands (whether at government or private schools) are required to hold licences issued by the Education Council and the secondary schools are fully staffed by professionally qualified teachers.

126. The primary and middle schools operate the standard curricula for their respective levels. In addition, it is now a requirement - and has been for several years - that the use of computers is taught at the primary level. The secondary schools, as well as offering the usual academic subjects, provide a range of vocational and technical courses, including carpentry, automobile mechanics, technical drawing, computer science and secretarial science. Physical education is taught in all schools, and two class sessions are set aside for this purpose every week. This is supplemented by numerous after-school sports activities and competitions.

127. Save to the extent described below, the Cayman Islands are too small to have institutions of higher education of their own, but the Cayman Islands Government provide scholarships for the pursuit of higher education in other countries by applicants who possess four or more subject passes in the examination for the General Certificate of Secondary Education. In 1997 the Education Council awarded 33 scholarships to students for overseas study, and also granted scholarships to study at the Community College of the Cayman Islands and the International College of the Cayman Islands (see paragraphs 128 and 129 below). There is also a student soft-loan scheme, operated by the Caribbean Development Bank, for the pursuit of vocational, technical or professional studies in other countries. Teacher training is carried out by the Education Department of the Cayman Islands Government.

128. The Community College of the Cayman Islands (which was originally established by statute in 1987 as an amalgamation of the Hotel School, the Trade School, the Marine School and the evening classes offered through the Cayman Islands High School, and whose operating expenses are covered by government grant funds) continues to flourish, under the management of its own Board of Governors, as a centre for post-secondary education aimed at providing students with classroom instruction and practical fieldwork as part of their preparation for further study. It currently offers a variety of evening courses (vocational, technical, academic and recreational) as well as full-time or part-time day courses and has five departments (General Studies, Technology, Hospitality, Business Studies and Extension/Community Services). Its particular role continues to be to provide educational opportunities for adults and others who have, for whatever reason, been excluded from the mainstream of higher education. It also provides assistance for in-service training in the public sector. In 1997 it had 737 students.

129. The International College of the Cayman Islands is a private but non-profit-making institution of higher education. It is registered by the Education Council and it is accredited as a senior college by the Accrediting Council for Independent Colleges and Schools in Washington, D.C. It is authorized by the Florida State Board of Independent Colleges and Universities to offer courses leading to Associate's, Bachelor's and Master's degrees.

130. Since 1982, the Cayman Islands have also maintained the Cayman Islands Law School, the responsibility for which forms part of the Attorney General's portfolio. This institution offers an opportunity for Caymanians to qualify locally for a profession which plays an important role in their own country's modern development; besides those who enter legal practice, many of its graduates take up careers in banking and insurance. The Cayman Islands Law School is an affiliated institution of the University of Liverpool (in the United Kingdom), whose own faculty was founded in 1892. It provides tuition for courses which lead the Bachelor of Laws Degree (Honours) of Liverpool University and to qualification as attorney-at-law of the Cayman Islands. Its professional practice course for admission to practice is regulated and examined by Queen's University, Belfast. It is currently staffed by a Director of Studies and six lecturers and has about 90 students, of whom half are Caymanians.

## Article 15

131. The Cayman Islands have seen a considerable increase in recent years in public interest in the development of the arts and the preservation of native culture. There is much public support for the objective of protecting the national identity of the people of the Islands and it is hoped that this will be facilitated by the fostering of a cultural and artistic focus which will preserve traditions and art forms unique to the Cayman Islands. It is also hoped that the development of new avenues and talents will assist the Caymanian people to have pride in their heritage and withstand the pressure of other cultural influences. It is in this context that a number of new initiatives have recently been undertaken both by the Cayman Islands Government and by various organizations interested in the arts and culture. A leading player in this field is, of course, the Ministry of Community Affairs, Sports, Women, Youth and Culture, which has among its principal objectives the promotion of a sustainable high quality of community life (particularly having regard to the pace of economic development and other changes in the Islands) and the assurance to each person of the maximum opportunity to achieve the highest possible level of self-fulfilment and personal development. Among the recent specific achievements of the Ministry have been the funding and hosting of the second and third annual "Cayfests" (in September 1997 and April 1998), the amending of the Institute of Caymanian Heritage Law 1991 so as to provide for the National

Gallery of the Cayman Islands (see paragraph 132 below), and the organizing of the drafting of a new history of the Cayman Islands.

132. To the various statutory bodies (operating with funding support from the Cayman Islands Government) which, as previously reported, have been responsible for many years for promoting and coordinating cultural activities in their own particular spheres (for example, the Cayman National Cultural Foundation, the Cayman Islands Museum and the National Trust for the Cayman Islands) there has recently been added the National Art Gallery. This was established in 1997 and has among its objectives the promotion and encouragement in the Cayman Islands of the appreciation and practice of visual art. Fundraising for a permanent building to house and display works of art began with an auction of paintings by the Governor's wife which raised $150,000. A Director of Programmes has been appointed and a number of community-based events have been held, including ones entitled "Art in the Workplace", "Art and Cultural Exchange" and "Artists' Cooperative".

133. As before, the Cayman National Cultural Foundation continues to encourage a wide variety of cultural expression but its principal activity remains the management of the Harquail Theatre. During 1997 this theatre was in use for nearly 100 days, not counting days taken up by rehearsals and workshops. The events staged there included the National Children's Festival of the Arts, beauty pageants, art and other exhibitions, dance recitals, school-leaving ceremonies and concerts by church groups.

134. The Cayman Islands National Trust has continued to pursue its statutory objectives (as detailed in previous reports) and, as at the end of 1997, it owned and managed four major nature reserves. Two of these - the Salina Reserve (623 acres) and the Mastic Reserve (309 acres) - are on Grand Cayman and the other two are the Brac Parrot Reserve (180 acres) on Cayman Brac and the Booby Pond Nature Reserve (135 acres) on Little Cayman. The year 1997 saw the purchase by the Trust of an additional 17 acres of land for the Mastic Reserve and the continuation of guided tours of the Mastic Trail. In the same year, the Visitors' Centre at the Booby Pond Nature Reserve was completed and 238 acres in Grand Cayman's central mangrove wetland were purchased; efforts are continuing to acquire funds for the purchase of further areas of this wetland. The Trust has continued its successful programme for the captive breeding of the Cayman Blue Iguana and, in the summer of 1997, there was an encouraging hatch of nine baby iguanas in the captive breeding facility at the Queen Elizabeth II Botanic Park. A detailed biological study of the Cayman Islands' saline and brackish ponds, funded by the United Kingdom Government and carried out in collaboration with the University of Mississippi's Gulf Coast Research Laboratory, has been completed and the results are currently being analysed.

135. The public library system now embraces individual libraries in George Town and East End in Grand Cayman and at Stake Bay in Cayman Brac. These libraries currently have a collection of some 29,000 volumes, including works of reference and of local history and private materials. They also carry audio-cassettes and video-cassettes, and each library has facilities for children.

136. The moral and material interests of the authors of scientific, literary or artistic productions continue to be protected in the Cayman Islands by the application there, as previously, of the patent and copyright laws of the United Kingdom.

137. The Cayman Islands Government continues to give a high priority to sporting activities in its social services programmes. In addition to recognizing the intrinsic value of sport as a

recreational activity, the Cayman Islands Government sees it as providing immediate health-related benefits, as having a beneficial effect on national consciousness and on productivity and as offering an alternative to undesirable leisure activities involving, for example, the use of drugs. In conformity with this policy, there are currently about 30 sporting organizations in the Cayman Islands, operating at both the domestic and the international levels. The activities which they pursue include track and field athletics, basketball, badminton, lawn tennis, cricket, soccer, rugby, squash, boxing, swimming, bodybuilding, various martial arts, volleyball, netball, cycling and softball. Most of these national organizations fall under the umbrella of the local Olympic Committee and many are affiliates of the relevant international governing bodies. They are supported by cash grants from the Cayman Islands Government and are given technical assistance by the Government Sports Office and the Cayman Islands Sports Council. They also, together with individual recreational users, have the free use of facilities provided by the Cayman Islands Government, such as playing fields, changing rooms, hard courts, public beaches and a public swimming pool with instructors.

# ANNEX D - THE FALKLAND ISLANDS

## I. GENERAL INFORMATION

138. The Committee is referred to the core document ("the country profile") in respect of the Falkland Islands contained in annex V to HRI/CORE/1/Add.62. Save as is indicated below and in the following paragraphs of this report, the position as regards the matters covered by that core document remains substantially as described in it. The most up-to-date estimate of the population of the Falkland Islands (as established by the 1996 census) is 2,221. The per capita income in the year 1995/96 was estimated to be £12,200 and the gross national product in the same year was estimated to be £50.6 million. These are not official figures but are estimates prepared by Messrs. Cooper and Lybrand on the basis of information made available to them in the course of an economic study of the Falkland Islands which was published in August 1997. There are no other significant changes in the statistics set out in paragraph 2 of the core document.

139. The Committee's attention is drawn especially to those parts of the core document which describe the democratic institutions of government in the Falkland Islands (Part II, section A), the legal system (Part II, section B), and the general legal framework within which human rights are protected (Part III). In particular, the Committee is referred to paragraphs 43-46 which give an account of the contents and operation of chapter I of the Constitution of the Falkland Islands (entitled "Protection of Fundamental Rights and Freedoms of the Individual"). As is explained in those paragraphs, the provisions of chapter I guarantee and protect, in justiciable form, the principal substantive rights set out in the International Covenant on Civil and Political Rights and also many of the rights set out in the International Covenant on Economic, Social and Cultural Rights and enable the courts of the Falkland Islands to grant and enforce effective remedies for any contravention or threatened contravention of the rights so guaranteed.

140. Specifically as regards the democratic institutions of government in the Falkland Islands, the Committee will wish to be informed of the following developments. A Committee of the Legislative Council was established in 1994 to consider a review of the Constitution, and a Constitutional Adviser was appointed, at the expense of the Government of the United Kingdom, to assist them. He visited the Falkland Islands in February and March 1995 and undertook consultations with members of the Legislative Council and with the public. He delivered his report to the members of the Legislative Council in April 1995 and, after considering it, the Legislative Council requested the United Kingdom Government to make a number of changes to the Constitution. The United Kingdom Government agreed to this request and the necessary amendments to the Constitution (made by the Falkland Islands Constitution (Amendment) Order 1997) were brought into force on 1 September 1997. The substance of the principal amendments was as follows:-

(a) The rules determining who is a person who belongs to the Falkland Islands (in future to be referred to as a person who "enjoys Falkland Islands status") were changed in two respects:

(i) Commonwealth citizens who are domiciled in the Falkland Islands must now apply for such status (which they are qualified to do once they have been ordinarily resident there for at least seven years) instead of (as previously) automatically acquiring it after such a period of residence;

(ii) A previous discrimination between the sexes, which disadvantaged the husbands or widowers of persons belonging to the Falkland Islands as compared with the wives or widows of such persons, has now been removed;

(b) It is now open to the elected members of the Legislative Council to decide that the sittings of the Council shall be presided over by a Speaker elected by themselves instead of (as previously) being presided over by the Governor or a person appointed by him;

(c) The number of elected members of the Legislative Council representing the Camp constituency has been reduced and the number of those representing the Stanley constituency has been increased to reflect recent population changes (and the provisions regulating the quorum in the Council have been adjusted accordingly);

(d) The franchise in elections to the Legislative Council, which was previously conferred on all Commonwealth citizens who had attained 18 years of age and who could satisfy the prescribed residence qualifications, is no longer open to all such persons but only to those who enjoy Falkland Islands status (and also those who were registered on the Electoral Roll on 1 September 1997);

(e) Areas of government business in the Legislative Council may now be assigned to elected members of the Council instead of (as previously) only to one of the ex officio members.

## II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

141. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports under articles 6-9, 10-12 and 13-15 of the Covenant in respect of the Falkland Islands - or, where a more up-to-date or fuller account was given in the course of the Committee's consideration of those reports, since that account was given. In respect of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

### Article 2

142. With reference to paragraph 2 of article 2 of the Covenant, a recent development has been the enactment by the Falkland Islands legislature of the Race Relations Ordinance 1994, which came into force on 17 June 1994. This Ordinance adopts the provisions of the Race Relations Act 1976 of the United Kingdom so as to make them part of the law of the Falkland Islands, but does so with the necessary adaptations and modification and with certain exceptions, mostly of a technical nature. Its effect, therefore, is to prohibit in the Falkland Islands, as in the United Kingdom, acts or practices of racial discrimination if these occur in any of in various specified spheres, such as employment, education and the provision of goods, facilities, services and premises. The prohibition applies whether the person committing the racially discriminatory act, or engaging in the racially discriminatory practice, is a private person or organization or is a public authority or is the Government itself. The Ordinance of course supplements, and in no way derogates from, the provisions of section 12 of the Constitution of the Falklands Islands which prohibits (and thereby renders invalid) any provision of law that is discriminatory either of itself or in its effect and which also prohibits any discriminatory conduct by any person acting by virtue of

any law or in the performance of the functions of any public office or public authority. For the purposes of section 12, the expression "discriminatory" covers not only racial discrimination but also discrimination by reference to place of origin, political opinions or affiliations, colour, creed or sex. No complaint of any conduct which was alleged to constitute a contravention of the Race Relations Ordinance 1994 or of section 12 of the Constitution has, to date, been received by the authorities in the Falkland Islands.

143. In the particular context of racial discrimination, the Committee is also referred to the United Kingdom's fourteenth periodic report in respect of the Falkland Islands under ICERD (paragraphs 245-249 of CERD/C/229/Add.9) and to the fifteenth periodic report which has recently been submitted but has not yet been issued as a CERD document.

Article 3

144. As has been made clear in previous reports, men and women in the Falkland Islands enjoy full equality in respect of the rights set forth in the Covenant. As noted in paragraph 142 above, section 12 of the Constitution, which prohibits discriminatory laws and discriminatory executive acts, applies to discrimination on grounds of sex as well as on other grounds. The Committee's attention is also drawn to the recent amendment of the Constitution (see paragraph 140 above) which removed a previous discrimination on grounds of sex in the rules governing the acquisition of Falkland Islands status. As regards sex discrimination in other areas (and in particular in the field of employment), the Falkland Islands Government recently decided that it would be desirable for the territory to have legislation dealing specifically with this matter on the lines of the Sex Discrimination Act 1986 of the United Kingdom. A bill for that purpose was accordingly submitted to the Legislative Council and was enacted, as the Sex Discrimination Act 1998, in November 1998. It is now in force.

145. Women in the Falkland Islands are in fact active in the exercise of their rights in all spheres. In conformity with section 12 of the Constitution, the laws which prescribe the qualifications for voting and for candidature for elected office in the Falkland Islands make no distinction between men and women. At the latest general election to the Legislative Council, which took place in October 1997, three of the eight members elected were women and one of these was subsequently chosen by all the elected members to be one of the elected members of the Executive Council, in which capacity she had also served for two out of the previous three years. (At one point, all the elected members of the previous Executive Council had been women.) As regards the employment of women in the public service, there were, as at 31 December 1997 (the latest date for which figures are available: it is not thought that there has been any significant change since then), 631 officers employed by the Falkland Islands Government, of whom 282 were women. Two posts of Director of Department (of the Human Resources Department and of the Department of Mineral Resources) are currently held by women. Between 1 January 1992 and 31 December 1997 the Falkland Islands Government sent 126 public officers for training overseas, and of these 51 were women. The subjects of the courses on which these women officers were sent included management, air traffic control, food and water microbiology, personnel management and radio broadcasting. Women also play an active and significant role in commerce in the Falkland Islands. For example, a number of fishing companies (which now play an important part in the economy of the territory) now have women among their directors; one of the two travel agencies operating in Stanley is owned and operated by a woman; and there are a number of retail stores and accommodation houses or hotels in which women have a controlling interest and/or which are managed by women.

146. The Convention on the Elimination of All Forms of Discrimination Against Women was extended to the Falkland Islands in 1986. The United Kingdom's third periodic report in respect of the Falkland Islands under that Convention was submitted in January 1999 and was examined by CEDAW in June 1999.

## Article 6

147. The Falkland Islands are in the unusual position of having more jobs to fill than there are persons available to fill them. This, coupled with the prohibition of forced labour which is contained in section 4 of the Constitution, ensures that there is no impediment to the enjoyment by everyone (in accordance with paragraph 1 of article 6 of the Covenant) of the right to the opportunity to gain his living by work which he freely chooses or accepts.

148. Because of the remoteness of the territory and the small size of its population (currently just over 2,000 persons in all), there are no local universities, institutes of technology or vocational colleges and, while there is some provision of out-of-hours adult education, the territory can offer only limited local facilities for the direct provision of technical and vocational guidance and training programmes, etc. But, to meet the need in this area and in accordance with paragraph 2 of article 6 of the Covenant, the Falkland Islands Government funds a number of projects which enable Falkland Islanders to receive suitable further education and training either locally or overseas. As well as funding the further secondary education, in a boarding school in the United Kingdom, of children who have achieved sufficient passes at a sufficient level in GSCE examinations undertaken in the Falkland Islands (see paragraph 173 below), the Falkland Islands Government also provides funding for students who have finished their secondary education and wish to pursue tertiary studies in the United Kingdom. And, as noted in paragraph 145 above, it regularly sends its own officers for training overseas at public expense. In addition, it actively encourages public officers to undertake distance learning courses (again at public expense) and it engages consultants to visit the Falkland Islands to provide training on the spot. The current practice is that all public officers are required to undertake Performance Management Programmes which are designed to enhance their ability to perform the duties of their employment and also to provide information that may indicate suitable further vocational training for them.

## Article 7

149. A recent development relevant to article 7 of the Covenant, which is noted in paragraph 144 above, is the enactment of the Sex Discrimination Ordinance 1998. This is intended to ensure that women are treated on equal terms with men in the field of employment and, in particular, that they are entitled to equal pay for equal work or work of equal value.

150. More generally as regards the right of workers to enjoy remuneration which provides a decent living, the state of full employment which obtains in the Falkland Islands (see paragraph 147 above), coupled with the low rates of taxation on incomes, ensures that this right is largely secured for all workers. By way of example, even a first-year apprentice may currently expect to earn a wage of about £9,500 a year and he will be entitled, in the computation of his tax, to a personal deduction of 15 per cent of this and perhaps to various other deductions also, so that his net tax will come to no more than between 6 per cent and 10 per cent of his gross wage. As a statutory "fall-back" to ensure remuneration which provides a decent living, the Falkland Islands has long-standing legislation (the Labour Minimum Wages Ordinance 1942) which empowers the Governor in Council, by order, to fix a minimum wage for any occupation. However, in the

prevailing conditions, just referred to, and in the absence of any complaint in this respect by or on behalf of employees, the Falkland Islands Government has seen no need to make such an order, though it would of course consider doing so if employment circumstances were to change.

151. Also relevant to article 7 of the Covenant are the provisions of the Employment Protection Ordinance 1989 which contains a number of provisions aimed at securing the enjoyment of just and favourable conditions of work. Employers are required to furnish to each employee, within 13 weeks from the beginning of his employment, a statement in writing identifying the parties and specifying the date when the employment began, the scale of remuneration, how this is to be paid, the terms relating to hours and conditions of work, the terms relating to holidays, sickness and pension schemes, the length of notice for the termination of the contract, and a job description and title. The statement must also give details of any disciplinary rules and of persons who may be contacted if problems arise. The Ordinance ensures that employees receive prescribed minimum payments in circumstances where they are not provided with work as a result of a contraction of their employers' business and it also guarantees remuneration for up to 26 weeks if they are unable to work on medical grounds. A woman employee has the right to a maximum of 29 weeks maternity leave, during which time her right to return to her job is preserved, and, if she is absent from work wholly or partly because of pregnancy or confinement, is entitled to maternity pay for a period of six weeks at 90 per cent of her wages. Employees are given the right to spend reasonable amounts of time away from their employment to carry out trade union activities or public duties, to attend court and to seek medical or dental treatment. Employees who are dismissed because of redundancy are entitled to compensation calculated by reference to the length of their employment and their age. An employee who claims to have been unfairly dismissed has the right to apply to the Magistrates Court which, if satisfied that that is the case, may order either reinstatement or compensation. The latter will consist of a basic award (calculated as for redundancy payments), together such compensatory award (up to a maximum of £10,000) as the Court considers just and equitable and also a special award (up to a maximum of £25,000) if the employee has been dismissed because of his trade union activities or if he has been wrongly dismissed on grounds of redundancy. The Ordinance also contains provisions protecting the rights of employees of insolvent employers.

152. The right of workers in the Falkland Islands to enjoy safe and healthy working conditions continues to be assured by the operation of the common law, supplemented in some respects by statute. All employees in the Falkland Islands owe to their employees a common law duty of care, which may in some circumstances be reinforced by a statutory duty to the same effect. The failure of an employer to provide safe and healthy working conditions will, if it causes the injury or death of an employee, usually constitute a breach of this duty ("negligence") for which the employee (or his family if he has died) is entitled to recover compensation from the employer by means of an action in the courts. Even in circumstances where such negligence by the employer cannot be established, an employee whose earnings are below a statutory limit may claim compensation from his employer under the Workmens Compensation Ordinance 1960 for injury (or his family may claim compensation for his death) arising out of or in the course of his employment. This compensation is recoverable on a "no fault" basis and is payable either in the form of regular periodic payments or as a lump sum. Employers are required by law to maintain insurance to cover both their liability for negligence and their "no fault" liability under the 1960 Ordinance.

## Article 8

153. The right of every person to form or belong to trade unions is expressly guaranteed by section 11 of the Falkland Islands Constitution and there are no restrictions on the right of individuals or trade unions to organize or take part in strikes. The Employment Protection Ordinance (see paragraph 151 above) expressly protects employees against any action taken against them for the purpose of preventing them from joining a trade union or from taking part in union activities or for the purpose of compelling them to be members of a particular union, and it requires the employer of any trade union official or member to permit him to take reasonable time off work to attend to union duties or activities.

154. Because of the small population of the Falkland Islands, there have traditionally been only two active trade unions: the General Employees Union, which claimed to represent both public sector and private sector employees; and the Civil Service Association, which claimed to represent public sector employees only. The former regularly negotiated working conditions on behalf of farm employees with the Sheep Farmers Association and occasionally also on behalf of employees of the Falkland Islands Government. The latter provided assistance to public service employees in a range of matters. These two trade unions recently merged into a single union (the Government Service Employees Union) which now claims to represent all public and private sector employees.

155. ILO Convention No. 87 (Freedom of Association) extends to the Falkland Islands and the requisite reports have been submitted to the relevant supervisory body.

## Article 9

156. It remains the case that there is no comprehensive social security system in operation in the Falkland Islands, but, as described below, provision is made in a number of ways, in some respects by statute and in others by administrative means, to satisfy the requirements of article 9 of the Covenant.

157. Because of the state of full employment which has existed for many years and which ensures that any able-bodied person who wishes to find employment can do so, Falkland Islands law does not provide for unemployment benefit as such. However, as explained in paragraph 151 above, employees who are unable to work because of injury or illness generally have a statutory right to continue to receive remuneration from their employers. In the rare cases where this right does not cover the situation, the Social Welfare Department of the Falkland Islands Government has the power to make a cash grant (according to the claimant's personal circumstances) and/or to provide a rent rebate (if the claimant lives in government housing). The provisions regulating the entitlement of employed women to maternity benefit are also described in paragraph 151 above; and mothers may be provided by the Social Welfare Department with support in kind or with small cash payments and, if they live in government housing, may also be given a rent rebate. All families in the Falkland Islands are entitled to a monthly payment of £50.50 for each child: this benefit is not means-tested and the payment is tax-free. There is also a statutory pensions scheme, under the Retirement Pensions Ordinance 1996, for the payment of Old Age benefits. In general, this is a contributory scheme under which all employed persons between the ages of 17 and 64 years who earn more than a prescribed sum each year (£2080 in 1998) must make a weekly contribution to the scheme. Employers are also required to make a weekly contribution. Employed persons are entitled, on reaching the age of 64 years, to a pension based on the number of contributions that they have made. But the Pensions Board may also make payments to a person

without sufficient means even if he retires without having made the prescribed minimum contributions.

Article 10

158. The legislative and other arrangements in force in the Falkland Islands for the implementation of article 10 of the Covenant remain substantially as previously reported. However, there have been some significant developments in relation to the protection and welfare of children and young persons that should be drawn to the Committee's attention.

159. First, the Convention on the Rights of the Child was extended to the Falkland Islands on 7 September 1994 and the United Kingdom's initial report in respect of the Falkland Islands under that Convention was submitted to the Committee on the Rights of the Child in March 1999.

160. Second, two important pieces of legislation have recently been enacted in the Falkland Islands with a view to reforming, updating and rendering more accessible and effective the law relating to the rights of children as guaranteed by article 10 of the Covenant, by article 24 of the International Covenant on Civil and Political Rights and now more fully by the Convention on the Rights of the Child. These two pieces of legislation are the Family Law Reform Ordinance 1994 and the Children Ordinance 1994.

161. The principal purpose of the Family Law Reform Ordinance 1994, which came into force on 17 June 1994, was to reform the law relating to the consequences of birth outside marriage. It does this by rendering the legal position of a child born to unmarried parents the same, so far as possible, as the position of a child whose parents are married to each other. The Ordinance does not seek to abolish the status of illegitimacy but it does seek to remove any avoidable discrimination against, or stigma attaching to, children born outside marriage. In pursuance of this objective, section 2 of the Ordinance lays down the general principle that, unless a contrary intention appears, any references in the Ordinance itself or in any future enactments or instruments to a relationship between two persons is to be construed without regard to whether either of them, or any person through whom the relationship is deduced, is or is not legitimate. The Governor is given power to extend the application of this principle to past enactments also. The Ordinance contains detailed provisions, building on this principle, relating to the inheritance of property on intestacy and the disposition of property inter vivos or by will. It also makes provision relating to the procedure for obtaining declarations from the Supreme Court as to a person's parentage or his status (e.g. that he is legitimate or has been legitimated or has been adopted) and it makes further provision with respect to the rights and duties of parents (e.g. as regards the maintenance of their children).

162. The Children Ordinance 1994 came into force on 1 January 1995. Until then the Falkland Islands had no legislation of their own specifically addressing the subject of the welfare and upbringing of children (as distinct from their education, on which, of course, there was specific Falkland Islands legislation). The law on the welfare and upbringing of children was an unsatisfactory, inadequate and confusing patchwork of common law and United Kingdom legislation, some provisions of which had been directly and specifically adopted (with suitable modification where necessary) but most of which had effect by virtue of a general and indirect application to the Falkland Islands (sometimes inappropriately or without the necessary specific modifications) of various statutes that had been enacted in the United Kingdom. The result was that many of the provisions that were in force in the Falkland Islands were out of date or

unsuitable to local circumstances. The purpose of the Ordinance was to remedy this situation; in doing so, to remove problems that had previously been encountered arising from conflicting powers in public and private law and from confusion engendered by conflicting jurisdiction in cases involving children; and, generally and most important, to establish a clear, consistent and up-to-date code on the care, welfare and upbringing of children which would at the same time give effect to the relevant obligations of the United Kingdom in respect of the Falkland Islands under the Convention on the Rights of the Child (as well as, of course, under the two Covenants.)

163. It is not possible, in the compass of this report, to give a full account of the contents of the Children Ordinance 1994. It enunciates certain general principles (see below) which must be applied in cases involving the upbringing, etc. of children; it contains provisions relating to parental responsibility; it empowers the courts (and closely regulates the exercise of that power) to make a wide variety of orders (designated "section 9 orders") with respect to children in family proceedings (e.g. "contact orders", "prohibited steps orders", "residence orders" and "specific issue orders" - all these terms are defined in section 2 of the Ordinance); it also empowers the courts to make "care orders" or "supervision orders" where a child is suffering, or is likely to suffer, significant harm because of inadequate parental care or because he is beyond parental control; and it confers various other powers (e.g. to make an "emergency protection order") for the protection of children who are believed to be "at risk". It also contains provisions dealing with child abduction and various miscellaneous and ancillary provisions promoting the general purpose of the Ordinance as described above.

164. The essence of the Ordinance is perhaps encapsulated in section 3 ("Principles on which questions relating to upbringing of children, etc. are to be decided"). Subsection (1) lays down the principle that, in any proceedings where a child's upbringing, etc. is in question, the child's welfare must be the paramount consideration. Subsection (2) requires the court in any such proceedings also to have regard to the general principle that any delay in determining the question is likely to prejudice the child's welfare. Subsections (3) and (4) set out a large number of other factors (e.g. the child's own wishes and feelings, his physical, emotional and educational needs, etc.) to which the court must have regard in deciding whether to make, vary or discharge a contested "section 9 order" or a "care order" or a "supervision order". Finally, subsection (5) provides that, where a court is considering making one or more orders under the Ordinance, it shall not make that order or any other orders unless it considers that doing so would be better for the child than making no order at all.

## Article 11

165. The relatively high standard of living which is enjoyed by the population of the Falkland Islands has been described in detail in previous reports and there have been no significant changes to draw to the Committee's attention. But, on a couple of points of minor detail, it is worth recording that television broadcasting is now available throughout the territory (i.e. including Camp) and a wide range of relayed satellite television channels is available in Stanley (see paragraph 174 below). Internet facilities became available in the territory in December 1997.

166. The generally satisfactory position previously reported as regards the enjoyment of the right to adequate food, clothing and housing has also continued without significant change, but there have been a few developments concerning housing that call for mention.

(a) In the period from 1 January 1991 to 31 December 1997, 49 dwellings of various sizes and types were built, for rent, by the Falkland Islands Government and a further 40 dwellings were built in Stanley, for owner occupation, by other organizations or persons. In the three-year period ending on 31 December 1998, the Falkland Islands Government spent approximately £7,610,000 on the provision of new housing and associated infrastructure;

(b) As at the end of 1998, there were 64 persons on the government housing waiting-list, but none of these persons was without accommodation. There is, however, a general housing shortage in Stanley - not in the sense that anybody is homeless but rather in the sense that a number of persons are obliged to live with their parents or friends though they would prefer, if premises were available, to move into separate accommodation which they themselves would rent or own. Part of the reason for this shortage is the scarcity in Stanley of land that already enjoys drainage, water and electricity services and on which houses can therefore be economically built. To help deal with this problem, the Falkland Islands Government has developed an area to the east of Stanley on which 81 housing plots have been created. Houses have already been built on some of these plots and many others are in the course of construction. The Falkland Islands Government has recently agreed to extend the area to provide a further 20 housing plots;

(c) A further relevant development has been the enactment of the Building Control Ordinance 1994, under which regulations may be made to impose standards applicable to all buildings, including buildings to be used as dwellings. After consultation with builders and other interested persons, Regulations for this purpose have been made and they came into force on 1 February 2000;

(d) As indicated above, there are arrangements under which persons with low incomes who live in government housing may obtain rent rebates. The amount of the rebate which may be granted depends on the personal circumstances of the recipient but, by way of example, a couple with one child aged over 11 years whose joint income was less than £590 a month would be entitled to a full rebate. So also would a single man aged over 25 years whose monthly income was less than £270. The rebate payable decreases by 65 pence for each pound earned above the level at which the full rebate is payable. In the period between 1 July 1998 and 31 March 1999 a total of 22 government tenants received a rent rebate: the number of tenants actually in receipt of a rebate in the month of December 1998 was 17, and they received between them in that month a total rebate of £2,305.72. The Falkland Islands Government's budget for 1998/99 makes provision for the expenditure of £30,000 on rent rebates.

## Article 12

167. The information relating to article 12 of the Covenant that was provided in previous reports remains largely applicable, but it requires qualification or supplementing on a few points of detail.

(a) Though medical and dental services - which, as previously reported, are provided to the civilian population exclusively by the Government of the Falkland Islands - continue, in general, to be provided free of charge to the patient, a charge is now made for purely cosmetic dental treatment. On the other hand, the standard levy on earnings in respect of these free medical and dental services, which was previously payable by all employed and self-employed persons, was abolished in 1995. The medical facilities that are made available, free of charge, under these arrangements include the services, on a regular basis, of visiting medical specialists from the

United Kingdom and the air-lifting of emergency cases either to the United Kingdom or to Montevideo and also the provision of any medicines that have been prescribed;

(b) The Falkland Islands Government now employs a person who is a Registered General Nurse and qualified Health Visitor to act as Health Promotion Counsellor (replacing a Community Psychiatric Nurse who discharged that function until early 1997.) It is hoped that the Health Promotion Counsellor will, in particular, be able to assist in tackling, at the personal level, the problems of alcohol abuse that have been mentioned in previous reports;

(c) In connection with the programme for combating hyatid disease, referred to in previous reports, the Falkland Islands Government adopted, in 1994, the policy of more rigorous monitoring of the dosing of dogs with drugs to combat the hyatid worm. It is hoped that the disease will eventually be entirely eradicated;

(d) Cardiovascular disease and various forms of cancer remain major causes of death in the Falkland Islands. Accordingly, in 1994 the Falkland Islands Government instituted a bowel-screening programme for persons of the age of 54 years and above with a view to detecting pre-cancerous growths in the bowel. A long-term study is being undertaken, in cooperation with a London hospital, of possible causes (dietary or other) of the incidence of bowel cancer in the Falkland Islands. It is hoped that this, coupled with ongoing screening, may assist research into the causes of bowel cancer in other societies also. Suspected possible factors in the Falkland Islands are the lack of fibre in the diet and the relatively high consumption of red meat, both mentioned in previous reports;

(e) The medical department of the Falkland Islands Government has sponsored a campaign to persuade persons to give up smoking. In addition, smoking in government offices has been prohibited and various aids to giving up smoking have been placed on sale at the government hospital;

(f) The infant mortality rate in the Falkland Islands for the years 1992-1997 (as for many years previously) was nil.

## Article 13

168. While the position in relation to article 13 of the Covenant remains substantially as previously reported, there have been some developments which should be brought to the Committee's attention and it is possible to provide some updating of information previously supplied.

169. With effect from February 1995, the school-leaving age, which previously stood at 15 years, has been raised to 16. The principal purpose of this step was to ensure that all children would have the opportunity, by remaining in school in their eleventh year of compulsory education, to take external examinations (for the General Certificate of Secondary Education), and thus be qualified to proceed to further education overseas. Though it was already the practice for a majority of children to continue in school for the eleventh year, a minority had previously been leaving at the end of the tenth year.

170. The Falkland Islands Government has recently adopted the policy of encouraging parents in Camp whose children live remote from other children to send them to board in term-time at the

government hostel in Stanley and to attend the Junior School in Stanley rather than be taught by the Camp Education Service (which, as previously reported, operates through radio broadcasts and travelling teachers). There is no compulsion on parents to take advantage of this facility, but there are considered to be good social as well as educational reasons for making it available to children who live remote from other children.

171. The new secondary school which the previous report described as still being built has now been completed. It adjoins, and is connected to, the community sports facility (an indoor heating swimming pool and a modern sports hall) and a combined public library and school library. Various cultural and social activities, some not directly associated with the school, are held on the school premises; and classes for adults, on a number of subjects, are held in the school during evening hours. The school has been provided with a high standard of facilities and the building was constructed to high specifications; in particular it has been so designed as to be readily accessible to disabled pupils and disabled persons generally.

172. The following statistics for the year 1998 may be helpful to the Committee:

| | | |
|---|---|---|
| (a) | Number of children below the lower limit for compulsory school-attendance attending a government school | 24 |
| (b) | Number of children of compulsory school age - | |
| | (i) aged 5-11 years attending government Junior School in Stanley | 165 |
| | (ii) aged 5-11 years participating in Camp Education System | 41 |
| | (iii) aged 11-16 years attending government Senior School in Stanley | 155 |
| (c) | Falkland Islands Government budget for education (1997/98 financial year) | £2,987,000 |

173. As mentioned in paragraph 148 above, the Falkland Islands have no institutions of higher education (i.e. catering for pupils above the age of 16 years) of their own, but pupils aged 16-19 years who are studying for further examinations are enabled to do so at boarding schools in the United Kingdom at the expense of the Falkland Islands Government. In 1998 there were 20 such pupils who were benefiting from this facility; these were among the total of 38 students who were attending advanced secondary and tertiary education overseas during that year. The annual cost of providing this education for each of these students is assessed at £13,700 and the total cost in 1998 was therefore £520,600. A further measure taken by the Falkland Islands Government to promote higher education was the provision, in 1996, of a loan of £500,000 to Peter Symond's College, in Winchester (in the United Kingdom), to enable it to extend its facilities and in particular for the construction of a "Falklands Wing". A significant majority of the Falklands students between 16 and 19 years of age who are currently studying in the United Kingdom are doing so at Peter Symond's College.

## Article 15

174. The position as regards the enjoyment in the Falkland Islands of the rights set out in article 15 of the Covenant remains substantially as previously reported. But it can be added that, in addition to the service provided by the local radio station, the Falkland Islands now receive a radio service from the BBC by satellite. Both stations provide a 24-hour service and both offer cultural diversity in the programmes broadcast. The service provided by the British Forces Television Station is also available, without charge, to all residents of the Falkland Islands and those in Stanley can, in addition, subscribe, for a modest fee, to cable television. This provides seven channels, three of which offer a 24-hour service, and here, too, there is cultural diversity in the programmes available.

# ANNEX E - GIBRALTAR

## I. GENERAL INFORMATION

175. The Committee is referred to the core document ("the country profile") in respect of Gibraltar which is contained in annex II to HRI/CORE/1/Add.62. Save as is indicated in the following paragraphs of this annex, the position as regards the matters covered by that core document remains substantially as there described. The most up-to-date estimate (as at the end of 1996) of the population of Gibraltar is 27,086.

## II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

176. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports in respect of Gibraltar under articles 6-9, 10-12 and 13-15 of the Covenant - or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. In respect of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

### Article 1

177. In recent years the right of self-determination has become a central theme for political parties in Gibraltar. Following elections in May 1996, a new Government, formed by the Gibraltar Social Democrats, took office in Gibraltar. This Government ("the Gibraltar Government") has pressed Gibraltar's case for self-determination and in particular has done so in appropriate United Nations forum such as the Fourth Committee of the General Assembly and the "Committee of 24". The Gibraltar Government has said that it intends to put forward proposals for changes to Gibraltar's constitutional arrangements. At the Gibraltar Government's request, in 1998 the United Kingdom Government held exploratory technical discussions with the Gibraltar Government on constitutional reform. The Gibraltar Government has not yet made a formal proposal for constitutional change but has declared its intention to begin a consultation process on the issue in the Gibraltar House of Assembly.

178. The United Kingdom Government's policy on this matter is clear and long-standing. It supports the right of self-determination, respecting the wishes of the people concerned, but that right must be exercised in accordance with the other rights and principles recognized in the Charter of the United Nations as well as with other relevant treaty obligations. In the case of Gibraltar the right of self-determination is circumscribed by article X of the Treaty of Utrecht, 1713, under which Spain would have the right of "first refusal" if the United Kingdom ever wished to relinquish sovereignty over Gibraltar. Full independence for Gibraltar could therefore become a reality only with Spanish consent. The United Kingdom Government is, however, ready to consider other possible changes in Gibraltar's constitutional status, provided that these are realistic and compatible with international obligations which include the Treaty of Utrecht.

### Article 2

179. With reference to paragraph 2 of this article (non-discrimination in the exercise of the rights enunciated in the Covenant), the Committee's attention is drawn to the description of the

provisions in the Constitution of Gibraltar guaranteeing and protecting fundamental rights and freedoms which is set out in Part III of the core document in respect of Gibraltar (see paragraph 175 above). As is there mentioned, one of these provisions of the Constitution confers protection against discrimination on various grounds. This provision (section 14) expressly prohibits any law which is discriminatory either in itself or in its effect and any discriminatory action by public officers or public authorities. As the core document explains, other provisions of the Constitution provide the necessary machinery to make this prohibition effective. In one respect (i.e. in that it is not limited to discrimination in the exercise of the rights enunciated by the Covenant) the prohibition imposed by section 14 extends wider than is strictly required by article 2.2 of the Covenant: discrimination in any sphere, whether or not involving the exercise of economic, social or cultural rights, is prohibited. However, the prohibition does not extend to discrimination manifested by persons in their purely private capacity. In the particular context of racial discrimination and in response to views expressed by the Committee on the Elimination of Racial Discrimination, the Gibraltar Government are currently giving consideration to the possibility of introducing legislation specifically aimed at discrimination by private persons or private bodies: see the United Kingdom's fourteenth report in respect of Gibraltar under ICERD (at paragraph 251 of CERD/C/299/Add.9) and also the fifteenth periodic report which has recently been submitted but has not yet been issued as a CERD document.

Article 3

180. Gibraltar's laws do not differentiate between the rights enjoyed by men and those enjoyed by women; and all the rights set forth in the Covenant are enjoyed, both in law and in practice, by men and women equally. Women have for many years been active in the organization and work of Gibraltar's political parties. As far back as 1945, in the first ever elections to the Gibraltar City Council, a woman (Mrs. Ellicot) stood for election as a candidate of the Association for the Advancement of Civil Rights and she subsequently became the member of the City Council responsible for postal services, while another woman (Mrs. Chiappe) became Education Minister when Gibraltar's first Legislative Council was established in 1964. Other women have since, at various times, held ministerial offices. The 15 Elected Members of the Gibraltar House of Assembly at present include one woman (Miss Montegriffo) who in fact held several ministerial portfolios in the previous Gibraltar Government (i.e. from 1988 to 1996) and was the Mayor of the City of Gibraltar. She is currently the "shadow" Minister for Health and Sport. Until recently, the office of Attorney General - the Attorney General is one of the two ex officio members of the House of Assembly - was also held by a woman. There are over 900 women (approximately 45 per cent of the total) in Gibraltar's civil service, of whom 355 serve in clerical grades (constituting about 70 per cent of all persons in those grades). Gibraltar's civil service is an equal opportunities employer and many management positions in it are held by women. Women are also prominent in general civic life and have at various times been presidents of the Chamber of Commerce, and of trade unions such as the Teachers' Association and the Gibraltar Clerical Association. There is also a Women's Association which acts as a highly influential pressure group in community affairs.

181. In the particular field of employment, Gibraltar law (in a new Part VA of the Employment Ordinance) contains provisions which give effect to the principle of equal treatment ("no discrimination whatsoever on grounds of sex either directly or indirectly by reference in particular to marital or family status") and to the principle of equal pay for equal work or work of equal value. The principle of equal treatment is expressed to apply to the conditions, including selection criteria, for access to all jobs or posts and all levels of the occupational hierarchy; to access to all

types and levels of vocational guidance and training; and to working conditions, including the conditions governing dismissal. The principle of equal pay requires the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration, including the criteria for any job classification system which is used for determining pay. The Ordinance provides that all laws, regulations and administrative provisions which are contrary to the principle of equal treatment or the principle of equal pay, and also all provisions that are contrary to either of those provisions and that are included in collective agreements, individual contracts of employment, internal rules of undertakings or rules governing the independent occupations and professions, are to cease to have effect. There is also provision for complaints of breaches of the principle of equal treatment or the principle of equal pay to be brought before an Industrial Tribunal which has the power, inter alia, to award appropriate compensation to successful complainants.

## Article 6

182. ILO Conventions Nos. 122 of 1964, on Employment Policy, and 111 of 1958, on Discrimination (Employment and Occupation), have both been extended to Gibraltar, as has also (see paragraph 179 above) the International Convention on the Elimination of All Forms of Racial Discrimination. The requisite reports under these instruments have been submitted to the relevant supervisory committees.

183. Consistently with their policy of creating opportunities for all persons to seek and obtain employment in fair competition with others (and in particular without discrimination on grounds of sex), the Gibraltar Government, through its relevant agencies, offers vocational guidance and training, job placements and ongoing counselling services to workers of both sexes and especially to those with family responsibilities. These and other functions in the employment field were originally entrusted, under the Employment and Training Ordinance 1992, to the Employment and Training Board which was a subsidiary body of the Gibraltar Development Corporation (itself established under the Gibraltar Development Corporation Ordinance 1990). But the training functions of the Employment and Training Board have now been transferred to the Department of Education (re-named the Department of Education and Training) and the Board has itself now been transformed into the Employment Service.

184. In addition to carrying out such tasks as compiling relevant statistics and advising the Gibraltar Government (see paragraph 188 and 189 below) on conditions of employment, including minimum wage levels, the Employment Service also operates as a mandatory labour exchange, and all vacancies and job offers and all contracts of employment and variations in the contractual terms of employees must be registered with it. The Employment Service employs Labour Inspectors, appointed under the Employment and Training Ordinance, to ensure compliance by employers with their statutory obligations and these Inspectors are empowered to enter premises, to require the production of records, to question persons and generally to do anything necessary for the detection of breaches of the Ordinance.

185. The vocational guidance provided through the agency of the Education and Training Department at present takes the form of free training up to the level of National Vocational Qualification (NVQ) (level 2) in the construction trades, such as joinery and carpentry, plumbing and bricklaying, but the Gibraltar Government has recently opened a vocational training establishment for those wishing to enter the tourism sector of the economy and the courses planned include courses on catering and hotel management. Currently, vocational courses are being

provided to over 100 registered unemployed persons. The vocational guidance and counselling services provided through the Education and Training Department are available to all who seek them, without discrimination on grounds of personal status, but specialist counselling services are provided for those with family responsibilities, such as single parents and others with young children, who are seeking to enter the employment market.

186. As at 31 December 1997 (the latest date for which statistics are available), there were 1,724 persons unemployed in Gibraltar. This constituted approximately 13 per cent of the working population. Of these unemployed persons, 1,098 were men and 626 were women. This level of unemployment is a matter of serious concern to the Gibraltar Government. Among its causes are the shrinkage of the British military garrison and cross-border competition for employment. This latter sometimes involves the illegal employment of labour which, because such employment escapes the regulation and charges which attach to legal employment, enables those so employed to compete unfairly with Gibraltarians and to price them out of the labour market. With this in mind, the Gibraltar Government has increased the resources available to the Employment Service in its task (which is one of its statutory functions) of eradicating the illegal employment of foreign workers. So far as the other causes of unemployment are concerned, the Gibraltar Government is actively seeking to increase the size of Gibraltar's economy in order to create more employment opportunities and is aiming in particular at attracting financial and other service enterprises and light industry. Recent successes include the reopening of Gibraltar's dockyard in February 1998 and the setting-up of a wine-bottling factory in June 1998. It is hoped that these will all make an important contribution to the reduction of unemployment.

## Article 7

187. ILO Conventions Nos. 131, 100, 14, 106, 132, 81, 129 and 155 have all been extended to Gibraltar and the requisite reports have been submitted to the relevant supervisory committee.

188. Gibraltar continues to operate an effective system for the regulation of minimum wages. These are fixed, on an annual basis and under the authority of the Employment and Training Ordinance, by Orders made by the Governor on the recommendation of the Conditions of Employment Board. (This Board is itself established under the Ordinance and consists of a Gibraltar Government appointee, equal numbers of representatives of employers and of trade unions and some independent members.) The minimum wage Orders that are currently in force are the Conditions of Employment (Retail Distributive Trade) Order 1981, the Conditions of Employment (Licensed Non-Residential Establishments) Order 1986, the Conditions of Employment (Transport Contract Undertakings) Order 1990, the Conditions of Employment (Wholesale Trade) Order 1995 and the Conditions of Employment (Standard Minimum Wages) Order 1989 (which applies to employees, other than those on a monthly salary or an incremental scale, in all fields of economic activity other than those covered by the specific Orders just mentioned). The application of these Orders is supervised by the Employment Service.

189. The remit of the Conditions of Employment Board is not confined to minimum wages. Under the Employment and Training Ordinance 1992 it also has the responsibility of making recommendations to the Gibraltar Government - which it does, in this case also, on an annual basis - on such matters as entitlement to annual leave, to maternity leave and to sick leave. These recommendations are submitted to the Minister of Employment and Buildings and Works and, if accepted, are then brought into force by instruments published in the Government Gazette. In making its recommendations, the Board of course has regard to the relevant ILO Conventions that

have been extended to Gibraltar. In the discharge of its functions, the Conditions of Employment Board is empowered to summon witnesses and to require the production of documents and, as noted in paragraph 184 above, the Employment Service employs Labour Inspectors with wide powers to secure the observance of the Employment and Training Ordinance and the obligations which are imposed by it or under it.

190. As regards the provisions now in place for the application and enforcement of the principles of equal treatment and equal pay for equal work or work of equal value, as between men and women, the Committee is referred to paragraph 181 above.

191. Health and safety at the workplace continues to be regulated by the Factories Ordinance and its subsidiary legislation. Under this legislation, which conforms with European Union requirements, provision is made for a very wide range of matters including the availability at the workplace of washing and toilet facilities and resting and medical facilities; the investigation of accidents; the training of inexperienced workers; maximum noise levels and protective equipment; ionizing radiation levels and protective measures; and the protection of workers against dangerous machinery and dangers arising from working at computer screens. Aspects of the workplace which are specifically regulated include cleanliness; overcrowding; ventilation; lighting; drainage of floors; sanitary conveniences; unfenced machinery; the construction and maintenance of fencing; the construction and disposal of new machinery; vessels containing dangerous liquids; safe means of access and safe places of employment; precautions with respect to dangerous fumes or explosives or inflammable dust, gas, vapour or other substances; precautions with respect to water-sealed gasholders; safety procedures with respect to fires; adequate supplies of drinking-water; accommodation for clothing; protective clothing and appliances; removal of dust and fumes; meals in certain dangerous trades; and the protection of eyes in certain processes. This body of protective legislation is policed by Factory Inspectors who are appointed under the Factories Ordinance and who are equipped with a wide range of powers (for example, to enter and examine premises, to require the production of records and other documents and to require the provision of information). Obstructing a Factory Inspector in the execution of his duties (including failing to comply with a requirement lawfully made by him) is a criminal offence. In 1998 there were 71 prosecutions for breaches of the Factories Ordinance.

## Article 8

192. ILO Conventions Nos. 87, 98 and 151 have all been extended to Gibraltar and the requisite reports have been submitted to the relevant supervisory committee. At present, there are 20 registered trade unions/staff association in Gibraltar, with a membership of 4,680 which comprises about 36 per cent of the total workforce.

## Article 9

193. ILO Convention No. 102, on Social Security Minimum Standards, has been extended to Gibraltar, as has also Convention No. 128, on Invalidity, Old Age and Survivors Benefits, and the requisite reports have been submitted to the relevant supervisory committees.

194. The social security arrangements which have been established in Gibraltar currently provide for the following benefits:

(a) Old age benefits/survivor's benefits. These benefits take the form of an old age pension which is paid (at the age of 60 years for women and 65 years for men) to persons, and to the spouses of persons, who have contributed to the pensions scheme set up under the Social Security (Open Long Term Benefits Scheme) Ordinance and the Social Security (Closed Long Term Benefits Scheme) Ordinance. This is a contributory scheme, covering all persons employed under a contract of service and also self-employed persons and there is also provision for those who cease to be compulsorily insured to continue as voluntary contributors. The pension paid is proportionate to the contributions made, so that a person who has contributed over a longer period receives a higher pension. Payments under this scheme are not taxable and continue for the life of the beneficiary, irrespective of whether he or she continues in employment;

(b) Employment injuries insurance. Employment injuries benefits are provided through a scheme operated under the Social Security (Employment Injuries Insurance) Ordinance. The scheme provides insurance, for persons who are registered as employed in insurable employment, against personal injury caused by accident arising out of and in the course of their employment and against prescribed diseases and injuries which are due to the nature of their employment. It, too, is a contributory scheme under which persons contributing at prescribed rates will qualify, in the relevant circumstances, for benefits (as provided for in the Ordinance) at the corresponding prescribed levels. Accordingly, where an insured person suffers personal injury as described above-

(i) Injury benefit is payable to him if, as a result of the injury, he is incapable of work;

(ii) Disablement benefit is payable to him if, as a result of the injury, he suffers from loss of physical or mental faculty; and

(iii) Death benefit is payable to his family and dependants if he dies as a result of the injury;

(c) Medical care. Under a scheme established by the Gibraltar (Group Practice Medical Scheme) Ordinance, all persons who have paid their social security contributions at prescribed rates qualify for free treatment in hospital and other kinds of medical care;

(d) Unemployment benefits. Unemployment benefits, which are payable under the Social Security (Non-Contributory Benefits and Unemployment Insurance) Ordinance, are financed from the weekly contributions made by employers and employees to the Social Insurance (Short-term Benefit) Fund. They are paid, at prescribed rates, for a period not exceeding 78 days (excluding Sundays) during the 26 weeks immediately after the last contribution paid by, or credited to, the claimant as an employed person. The claimant must be a person under pensionable age (see (a) above) who is unemployed, capable of work and available to take work if offered and who, during the 52 weeks immediately preceding the claim, was in employment for not less than 30 weeks or whose yearly average of insurable employment is not less than 30 weeks;

(e) Maternity grants. The Social Security (Insurance) Ordinance provides for the payment of a maternity grant (a one-off payment) in respect of each child born to a woman who qualifies by virtue either of her own or her husband's social insurance contributions;

(f) Death grants. The Social Security (Insurance) Ordinance provides for the payment of a death grant to a person who incurs funeral costs or other expenses arising from the death of an insured person (i.e. a person who had paid the prescribed social insurance contributions) or the death of the wife, widow, husband, widower or child of an insured person.

Article 10

195. The Committee's attention is drawn to two recent pieces of legislation, both enacted in 1998, which are relevant to the rights protected by article 10 of the Covenant. The first is the Domestic Violence and Matrimonial Proceedings Ordinance 1998 which gives the courts jurisdiction to grant an injunction excluding one party to a marriage from the matrimonial home where this is necessary in the interests of the safety of the other party or of a child living with that other party. The second is the Maintenance (Amendment) Ordinance 1998 which enables a party to a marriage to make a complaint to the Magistrates' Court for an order protecting either the complainant or a child of the marriage from violence or the threat of violence by the other party to the marriage or for an order prohibiting that other party from entering the matrimonial home. This Ordinance also imposes on a man the duty to provide reasonable maintenance for a woman with whom he has cohabited where he also has a duty in respect of children of the relationship.

Article 11

196. At the last census, in 1991, 61.7 per cent of Gibraltarians lived in Government-owned accommodation, 23.1 per cent in privately rented accommodation and 15.2 per cent in owner-occupied accommodation. This corresponds to 4,694 Government-owned dwellings, 1,758 privately rented dwellings and 1,152 owner-occupied dwellings. As at 31 December 1997 - figures for earlier years are not available - there were 544 persons on the Government Housing Waiting List and 689 persons using the Government Rent Relief Scheme.

Article 12

197. The following table gives the latest available life expectancy figures for the population of Gibraltar (i.e. as at 31 December 1997).

| Age | Life expectancy (males) | Life expectancy (females) |
|---|---|---|
| 0 | 73.4 | 80.4 |
| 1 | 72.8 | 79.9 |
| 5 | 68.8 | 75.9 |
| 10 | 63.8 | 70.9 |
| 15 | 58.9 | 65.9 |
| 20 | 53.9 | 60.9 |
| 25 | 49.0 | 56.0 |
| 35 | 39.3 | 46.3 |
| 45 | 30.0 | 36.6 |
| 55 | 21.1 | 27.2 |
| 65 | 13.4 | 18.4 |
| 75 | 8.0 | 12.4 |

Article 13

198. The education system in Gibraltar now largely mirrors the system (including the National Curriculum) in the United Kingdom, though there are particular aspects of the latter, such as Standard Assessment Tasks and Local Management of Schools, that have not been adopted.

199. As previously reported, primary education is free and compulsory between the ages of 4+ and 11+ years, based on the age of the child at the beginning of the academic year. The First Schools cater for children in the 4+ to 7+ range and the Middle Schools for those in the 8+ to 11+ range. In the primary sector, there are at present 11 government schools, one private school and the (United Kingdom) Services school.

200. Again as previously reported, secondary education between the ages of 12+ and 15+ years is also free and compulsory. There are currently two single-sex comprehensive secondary schools run by the Department of Education and Training and two privately run secondary schools. In the first two years both of the Government-run secondary schools operate a broad compulsory curriculum which includes English, Mathematics, French, Spanish, History, Geography, Science, Art, Music, Religious Education, Home Economics and Craft Design Technology. In the third and fourth years, pupils opt for four or five subjects which they study in greater detail for the purposes of public examinations. In addition, all pupils study a compulsory core of subjects consisting of English, Spanish, Mathematics, Religious Education and Physical Education. Children are permitted to leave school when they attain their fifteenth birthday during their third year of secondary education. All who stay into the fourth year of secondary education take public examinations. Currently, about 75 per cent of the relevant age group - in September 1997 the figure was 381 students - opt to stay in the sixth form of the two Government-run secondary schools. A majority of these do so in order to pursue further academic studies subsequently, but some merely to widen their 16+ and 17+ studies.

201. The Gibraltar College of Further Education continues to provide free education as an alternative to the comprehensive secondary schools. The courses provided are mainly vocational, though A-level Spanish is also available. Students study for national vocational qualifications in three main areas: Information Technology, Business Studies and Building Construction. As at 30 September 1997 there were 226 full-time students at the College and 23 full-time lecturers. The College also has large numbers of part-time students and lecturers.

202. Currently, approximately 80 per cent of the students who follow academic courses in the sixth form of the secondary schools and 20 per cent of the students at the Gibraltar College of Further Education proceed from there to pursue their education at a higher education institution. Since there are no such institutions in Gibraltar itself, students are assisted in continuing their studies in the United Kingdom. For this purpose the Gibraltar Government operates a scholarship scheme which meets all the financial needs of award-holders. Over 140 Gibraltar students each year begin their studies at universities or colleges of higher education in the United Kingdom and the number of students in the United Kingdom who at any one time are studying under the auspices of the Gibraltar Government is generally in excess of 600. The annual cost of running the scheme is currently about £2 million. (As at 30 September 1997, the latest date for which exact figures are available, there were 628 such students and the annual cost was £1,971,500.)

203. There is set out, as an appendix to this annex, a paper produced by the Gibraltar Government in March 1998 which gives further and more detailed information on education

conditions in Gibraltar in the previous year, including statistics on schools and teachers and expenditure on education.

## APPENDIX

## EDUCATION CONDITIONS IN GIBRALTAR IN 1997

**Policy**

The policy of the Education Department is based on four main principles:-

(a) The equality of educational opportunity for all and the education of every child according to his abilities, aptitudes and needs;

(b) The fostering of a sense of community and an awareness and an understanding of other peoples and other nations in the world;

(c) The support of the requirements of the community by endeavouring to produce well-educated and well-trained men and women;

(d) The maintenance, extension and improvement of existing education standards.

**Legislation**

The present law governing education was enacted on 26 April 1974. This provides for an Education Council which includes representatives of the profession as well as of the various religious denominations.

**Financial**

Expenditure on education as at the end of March 1997 was £11 million (or 20 per cent of the total).

**School building BUILDING**

A programme of major improvements to government schools at a cost of £496,500 was completed in 1997. Two schools were re-sited and the buildings were refurbished.

**School year**

The school year runs from 1 September to 31 August. During the last three weeks of the summer term and the first two weeks of the autumn term there is no afternoon session but the morning is extended in middle and secondary schools. Pupils must attend a minimum of 189 days per academic year. Teachers attend 194 days. Five days are allocated to in-service training.

**School population**

On 31 December 1997 a total of 4,688 children were enrolled in government schools. There is free compulsory education for all entitled children between the ages of 5 and 15 although children are allowed to enter school at the age of four plus.

Pupils can remain in school after the age of 15 if it is established that they can profit from further education.

**Pre-school education**

A third government nursery has been installed within one of the existing primary schools. The Department of Education has always been responsible for the registration of all private nurseries of which there are now 20 in Gibraltar.

**Primary schools**

There are 11 government primary schools, one private school and one services school. At the end of 1997 there were 2,863 pupils enrolled in government schools, 194 in the private school and 330 in the services school making a total of 3,355. The number of local fee-paying children attending the services school included in the total during 1996 was 8.

**Secondary schools**

Two single-sex secondary schools are controlled by the Department of Education. On 31 December 1997, there were 923 pupils in Bayside (Comprehensive) School for boys and 902 pupils in Westside (Comprehensive) School for girls, making a total of 1,825. There were 180 boys and 201 girls in sixth forms.

**Medium of instruction**

The medium of instruction in the schools is English. Gibraltar is a bilingual community and, whilst this has obvious advantages, special techniques are necessary in the first and middle schools to ensure that the children achieve a high degree of proficiency in the primary language which will enable them to cope with examination requirements in Britain. At the same time care is taken to cultivate the second language, particularly in the senior schools, once the primary language has become a technically effective medium of expression and communication.

**School examinations**

The schools presented pupils for the General Certificate of Secondary Education (GCSE) examinations offered by the Southern and the Midland Examining Groups, and for the Associated Examination Board (AEB)and the University of Cambridge Local Examinations Syndicate at "A" level. The Gibraltar College of Further Education presented students for examination by the Royal Society of Arts (RSA), City and Guilds of London Institute (CGLI), the Business/Technical Education Council (BTEC) and the Associated Examination Board (AEB).

The Department also acts as lcal secretary for the examinations of a broad number of professional institutions and other bodies.

**School health**

The School Health Services have been functioning throughout the year under the direction of the Principal Schools Medical Officer, assisted by his staff. All children are examined at the ages of 5 and 12, and again at 15 just prior to leaving school to take up employment. Four medical inspection rooms have been in use. Special cases were referred for treatment.

**School milk**

Milk is provided free of charge for all pupils in first schools.

**Special needs provision**

There is one special school which caters for 20 children with a variety of handicaps. Additionally, there is a special unit for first schools, one for middle schools and one at each secondary school. A peripatetic special needs teacher is integrated into the life of all schools, and a full-time educational psychologist, together with an education welfare officer, provides a child guidance and school-based service. One of the new educational advisers appointed has special needs as part of his remit.

**School activities**

School clubs and societies of many types are organized in most schools. There is an active Girl Guide and Scout Movement and groups of the St. John's Ambulance and Duke of Edinburgh's Award Scheme are flourishing. A special feature of youth activities in Gibraltar is drama.

Sports are very popular with all pupils but, owing to the small size of Gibraltar, the number of sports grounds is limited. However, although there are no school sports grounds as such, full use is made of facilities available in both services and civilian grounds. Fully equipped gymnasia in John Mackintosh Hall, Bayside School and Westside School are also constantly in use by schools and community.

There are many youth clubs in Gibraltar. Some of them are patronized by schools and subsidized by the Government.

**Religious and moral welfare**

All religious denominations in Gibraltar pay particular attention to the moral and religious welfare of the pupils.

Religious education forms part of the school curriculum and is given regularly by class teachers.

In addition, Roman Catholic priests, the rabbi and the clergy of the Anglican and other Churches visit the schools and children go to the cathedrals and churches for masses and services.

**Recruitment and training**

The minimum academic standards demanded by training colleges in England are now very high. The Department for Education and Employment demands that students proceeding to follow a teaching career should have at least two "A" Levels and a number of GCSE or "O" levels at C grade or above, to include English Language and Mathematics.

**Primary education**

Primary education is now co-educational and firmly based on a division between first schools, catering for age group 4 to 8, and middle schools, for the age group 8 to 12. The services operate one primary school of their own and there is one private school at primary level, for boys and girls.

**Secondary schools**

The comprehensive system operates for secondary education. It consists of two single-sex comprehensive schools. A private school catering in the main for Jewish girls has been registered.

**Technical and vocational education**

Technical studies at both comprehensive schools are conducted through Design/Technology courses. Otherwise, technical education is based in the Gibraltar College of Further Education.

**Further education**

The Gibraltar College of Further Education comprises two separate departments: Technology and Business and Commercial Studies. Both departments run courses up to BTEC National Diploma Certificates. The Business and Commercial Studies Department also provides vocational education for secretarial and office grades.

**Adult education**

The Adult Education General Studies Programme is administered by the Gibraltar College of Further Education.

**Government scholarships and grants**

It is government policy to provide scholarships for any young person who has the ability and the necessary qualifications to obtain a place at university.

**Vocational guidance**

The vocational guidance schemes for school-leavers continue to prove successful and over 400 youngsters took part. Over 800 youngsters were visited at their places of work.

**Youth welfare**

There are six youth clubs and youth organizations in Gibraltar, with a total membership of approximately 3,000. The senior youth officer and his staff continued to develop programmes of activities in youth clubs.

## ANNEX F - MONTSERRAT

### I. GENERAL INFORMATION

204. All aspects of the implementation of the Covenant in Montserrat must at present be viewed in the light of the continuing impact on the island of the successive and devastating eruptions of the Soufriere volcano, first in 1995 and then in 1996 and again in 1997. One of the results of this disaster has been the reduction of the area of the island that is open to habitation from 103 square kilometres to only about 40 square kilometres. Another has been the reduction of its population by almost two thirds, i.e. from 10,402 persons just before the eruptions to about 4,000 persons by current estimates: the other former inhabitants have been driven to emigrate to neighbouring islands or to the United Kingdom, the United States or Canada. The seat of Government, formerly in Plymouth (the capital town), has had to be moved to the north of the island. In the aftermath of the final evacuation of Plymouth in April 1996, all government offices were relocated to such accommodation as was available - in almost all cases, private dwelling-houses. A private dwelling-house even had to be requisitioned for use as the island's prison. However, work began as soon as possible on the construction of temporary Government Headquarters at a site at Brades in the north of the island. This site is now occupied and all government departments are now able to function in reasonable proximity to each other. Besides these obvious, major disruptions of public and private life, the widespread damage caused by the eruptions has of course had a number of other consequences that have impinged in various ways on the implementation in Montserrat of the provisions of the Covenant; and these are, as appropriate, drawn to the Committee's attention in the following paragraphs of this report. But it has been, and remains, the firm objective of both the United Kingdom Government and the Montserrat Government to ensure that the rights set forth in the Covenant (and in other applicable human rights instruments) continue to be observed to the fullest extent possible, even in the exceptional conditions which currently obtain. It is also their particular objective, which is shared and is being actively pursued by the remaining population, to redevelop the habitable part of the island so that Montserrat can again enjoy a viable and flourishing economic, social and cultural life of its own.

205. Subject to the foregoing and save as expressly indicated in the following paragraphs of this report, the position as regards the matters discussed in the core document (the "country profile") in respect of Montserrat which is contained in annex VIII to HRI/CORE/1/Add.62 remains substantially as described in that document.

### II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

206. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports in respect of Montserrat under articles 6-9, 10-12 and 13-15 of the Covenant - or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. In respect of those articles of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

#### Article 1

207. There is at present no significant body of opinion in Montserrat in favour of changing the status of the territory or its relationship with the United Kingdom. Nor would such a change be a

practicable possibility in present circumstances. If circumstances were to alter and a general desire were to emerge for Montserrat to proceed to full independence, the United Kingdom Government has consistently made clear that, for Montserrat as for its other Overseas Territories, it would not stand in the way of such a move.

208. It is to be added that Montserrat is a full member of both CARICOM (the Caribbean Community, established by the Treaty of Chaguaramas) and the OECS (the Organization of Eastern Caribbean States). Both these organizations provide vehicles for cooperation in the economic, social and cultural fields and both have been extremely supportive of Montserrat since the volcanic eruptions began.

Article 2

209. With specific reference to discrimination on grounds of race, etc., the Committee's attention is drawn to the United Kingdom's fourteenth periodic report in respect of Montserrat under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (paragraphs 275-299 of CERD/C/275-299/Add.9) and also to fifteenth periodic report which has recently been submitted but has not yet been issued as a CERD document. Work on the draft legislation referred to in paragraph 287 of the fourteenth report (i.e. legislation modelled on the United Kingdom's Race Relations Act 1976) has been taken forward and is now before the Legislative Council. It is hoped that it will be enacted in the near future. Montserrat continues to be a fully integrated and racially harmonious society.

Article 3

210. It continues to be the case that, both in law and in practice, no distinction is drawn between men and women in the enjoyment, in Montserrat, of the rights set out in the Covenant. Women have for many years been equally active with men, and equally successful, in all occupations and pursuits, including public administration, business and commerce. In the public service, there are as many women as men holding high posts in the administration. Specifically, the post of Minister of Education, Health and Community Services is held by a woman; there are three Permanent Secretaries (the most senior officials in ministries) who are women; and there are six women who are Heads of Department (holding the offices of Director of Education, Director of Development, Postmaster, Director of Tourism, Manager of the local radio system, and Clerk of Council). In the commercial sector also, there are many enterprises which are headed by women or where women are in senior positions.

Article 6

211. The Constitution of Montserrat expressly forbids any kind of forced labour, and all persons in Montserrat, without distinction or discrimination of any kind, continue to have the right freely to seek and obtain employment. However, the devastation caused by the volcanic eruptions has led to a severe reduction in commercial activity - the areas which were destroyed included those where most commercial activity previously took place - and this in turn has reduced the employment opportunities that are available. Unemployment is particularly high among private sector employees and male piece workers. On the other hand, the overall reduction in the population of the island to just over one third of its previous size has resulted in a smaller labour force seeking employment. But the reconstruction process has begun and, as a result, more employment opportunities are currently being created. The Development Incentives Act 1998 (enacted in

November of that year) provides for the granting of "tax holidays" and the waiving of property tax in order to encourage the construction of commercial buildings. This is seen as a means of restoring the economy and, at the same time, of providing new employment opportunities. Montserrat has a Job Centre which seeks to act as a bridge between employers with vacancies to fill and the unemployed and other workers seeking employment.

Article 7

212. Even in present circumstances, it remains the responsibility of Montserrat's Department of Labour and Community Services to ensure - but of course within the practical constraints imposed by the aftermath of the volcanic eruptions - that all workers enjoy safe and healthy working conditions and proper rest and leisure time. The same Department continues to be responsible for supervising the enforcement of Montserrat's labour laws which, as previously, provide, inter alia, for workers to have a reasonable working environment and regulate their hours of work. As indicated above, there is in practice no differentiation between the wages earned by men and women for equal work or work of equal value.

Article 8

213. The right of all persons to form trade unions and to join the trade union of their choice continues to be protected by Montserrat law. Under the long-standing Trade Union Act, any group of persons may form a trade union but they must register it, within 30 days, with the Registrar of the Supreme Court. A registered trade union, and its members and officers, enjoy legal protection in respect of their peaceful activities in pursuance of legitimate trade union objectives. The trade unions which are currently registered are the Montserrat Allied Workers Union, the Seamen and Waterfront Workers Union, the Montserrat Union of Teachers and the Civil Service Association.

Article 9

214. Montserrat has for many years had a Social Security Fund, which was established by the Social Security Ordinance 1985 and to which both employers and employees contribute. This continues to provide "short-term benefits" in the form of sickness benefit and maternity benefit and "long-term benefits" in the form of old age benefit, invalidity benefit, widow's benefit and children's benefit.

Article 10

215. Despite the difficulties caused by the volcanic eruptions, the existing measures, as previously reported, for the protection and assistance of the family, of mothers and of children and young persons remain operative. All expectant mothers continue to be provided with free antenatal care and working mothers continue to be entitled to 28 days' maternity leave. The long-established legislation which seeks to prevent the economic or other exploitation of children and young persons (principally the Employment of Children (Prohibition) Act, the Employment of Women, Young Persons and Children Act and the Education Act) continues to be strictly enforced. As reported below, the Montserrat Government have also taken special measures, in the form of the provision of food, clothing, housing and financial assistance, to help families who were displaced by the volcanic eruptions and who were in special need.

216. To help deal with the problem of domestic violence, the Family (Protection against Domestic Violence) Act 1998 has been enacted. This enables a person threatened with domestic violence by her or his spouse to obtain (depending on the circumstances) a "protection order", which prevents the violent spouse from approaching or harassing the applicant; an "occupation order", which permits the applicant to occupy all or part of any premises; or a "tenancy order", which makes the applicant the sole tenant of premises (i.e. to the exclusion of the violent spouse).

## Article 11

217. The volcanic disaster has, of course, impinged closely - both because of the physical devastation which it caused and because of the disruption of ordinary life which ensued - on the enjoyment of the rights with which this article is particularly concerned. The Montserrat Government has accordingly taken - and is continuing to take - special measures to ensure, so far as possible, that those directly or indirectly affected are not deprived of adequate food, clothing and housing. Where necessary, displaced persons are provided with food, clothing and, in some cases, financial assistance. Montserrat's agriculture was very badly hit by the eruptions, which destroyed a large part of the island's arable land, and most food currently has to be imported. But the Montserrat Government is sponsoring a programme aimed at re-establishing local agriculture. The eruptions also destroyed a substantial part of Montserrat's housing stock and many displaced persons have had to be housed in unsatisfactory temporary premises. About 300 persons are currently still in temporary accommodation. But it is the policy of the Montserrat Government to secure permanent accommodation for them as soon as possible and the problem is being tackled vigorously. The Montserrat Government itself has already built some new housing for displaced persons and more is being built as quickly as possible: to date, 105 new houses have been completed in this way and 150 more are under construction. In addition, 182 new houses have been constructed under the Montserrat Government's material assistance grant programme and 120 more are currently under construction under that programme. Moreover, private building (both of new homes and also of business premises) is being encouraged by the removal or drastic reduction of import duties on building materials. Electricity and water supplies continue to be available to all.

## Article 12

218. Despite the destruction and disruption caused by the volcanic disaster, any potential threat to the health of the population of Montserrat was averted and it can broadly be stated that the measures and arrangements previously in force for the protection and promotion of physical and mental health, as described in earlier reports, continue to be operative and effective. Hospital care remains free of charge to all in-patients, and medical care continues to be provided free to children and the elderly and also to persons with chronic medical conditions such as asthma, diabetes, hypertension and mental illness. Infant welfare clinics continue to be held and the supply of milk powder to children of needy families also continues, as do Government-financed programmes of school feeding. The long-established comprehensive programme for immunizing children against tuberculosis, whooping cough, smallpox, tetanus, poliomyelitis, measles, mumps and rubella also remains in operation and effective. As stated above, free antenatal care is available to all expectant mothers. A new hospital which had recently been built by the Montserrat Government was destroyed by the volcanic eruptions, but another, which is adequate to the present needs of the community, has been built and is now staffed.

Article 13

219. The comprehensive education system which existed in Montserrat before the volcanic disaster, as previously reported, has been substantially preserved and again functions effectively despite the physical damage and disruption and the massive displacement of persons. All practical steps have been taken to ensure that these afflictions have caused as little interruption or interference as possible to the education of the island's children and the development of their full potential. Although accommodation is necessarily restricted, all children again attend school and receive a full education. Both primary and secondary education remain free, as does the provision of textbooks and school supplies; and the arrangements for subsidized meals also continue. At the junior-secondary level, financial assistance continues to be provided to needy students. Looking to the longer term, the Montserrat Government has had a new Education Act drafted and this, when enacted and brought into force, will enable the education system in Montserrat to be coordinated with the system which obtains in other OECS countries.

220. The Montserrat Government continues to contribute to the maintenance of the University of the West Indies, thus ensuring that avenues for higher education remain open to the island's young persons. It also continues to provide financial assistance to individual students to pursue further education in order to acquire skills which the community needs.

Article 15

221. The pressures and demands of the situation created by the volcanic eruptions have not caused the Montserrat Government to lose sight of the importance of promoting the cultural life of the island. Montserrat has for some time had a cultural unit which was established to foster awareness, and the development, of all forms of art. This formerly functioned under the supervision of the Ministry of Education but now comes under the portfolio of the Chief Minister. Plans for the construction of a cultural centre are well advanced. Under a new law that has been drafted, provision will be made to establish an Arts Council which, as well as receiving a subsidy from the Montserrat Government, will be empowered to obtain funding from private sources. It remains the policy of the Montserrat Government, within the constraints of the present situation, to encourage all persons to play an active role in the development and preservation of culture. In this context, and especially in the scientific field, the introduction of access to Internet services and the removal of duties on the import of personal computers and accessories are measures which assist in ensuring that the inhabitants of Montserrat can keep up with the latest developments.

# ANNEX G - PITCAIRN

## I. GENERAL INFORMATION

222. The Committee is referred to the core document (the "country profile") in respect of Pitcairn which is contained in annex IX to HRI/CORE/1/Add.62. Save as is indicated in the following paragraphs of this annex, the position as regards the matters covered by that core document remains substantially as there described. The current population of Pitcairn (as at December 1998) is 66 (31 males and 35 females). For the year ending 31 March 1998, the income of the Government of Pitcairn was NZ$ 491,838, while expenditure was NZ$ 666,799, leaving a deficit of NZ$ 174,961

## II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

223. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports in respect of Pitcairn under articles 6-9, 10-12 and 13-15 of the Covenant - or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. This report also includes information, as appropriate, on articles 1-5. In respect of those provisions of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

### Article 2

224. With reference to article 2(2) of the Covenant, Pitcairn is of course included in the dependent territories in respect of which the United Kingdom submits regular reports under the International Convention on the Elimination of All Forms of Racial Discrimination. The latest such reports in respect of Pitcairn appeared as annex I to the United Kingdom's fourteenth periodic report under that Convention (CERD/C/299.Add.9) and annex H to the fifteenth periodic report (which was submitted recently but has not yet been issued as a CERD document). Both reports show that there had been no significant developments relevant to the Convention in the period which they covered, nor have there been any such developments relevant to article 2(2) of the Covenant in the period covered by the present report.

### Article 3

225. Both in law and, for the most part, in practice, men and women in Pitcairn enjoy equal rights and are treated equally, not merely in respect of their enjoyment of the economic, social and cultural rights set forth in the Covenant but more generally. Under section 14 of Pitcairn's Judicature Ordinance, the "statutes of general application" that were in force in England on 1 January 1983 are given the force of law in Pitcairn so far as local circumstances permit and unless excluded or displaced by a locally enacted law. The relevant statutes of the United Kingdom guaranteeing the equal treatment of men and women (in relation, for example, to employment matters) are regarded as such "statutes of general application". They therefore have the force of law in Pitcairn and would be enforceable in the courts of Pitcairn if the need ever arose. The office of Island Secretary, the third highest office on Pitcairn, is currently held by a woman - this has been the case for several years - and the office of Island Treasurer (which has recently been created, its functions having previously been discharged by the Island Secretary) is also currently

held by a woman. For many years women have served as members of the Island Council. A woman is currently the Island police officer. Since 1994, the requirement that men between the ages of 15 and 65 years should perform public works has been extended to apply equally to women between those ages. In general, women participate equally with men in economic, social and cultural activities but it is to be noted that a woman has never been nominated for the post of Island Magistrate and that women do not in practice work as engineers or train as crew for the longboats. It also appears to be only men who are appointed as elders of the church.

Article 6

226. Pitcairn law neither imposes nor recognizes any restriction on the right to work. However, because of Pitcairn's remoteness and size, and as explained in the core document (see paragraph 222 above), the only form of paid employment that is in practice available is employment (for which wages and allowances are paid) in local government activities or on communal services - in effect, in the day-to-day administration of the Island. For the rest, the population of Pitcairn is self-employed in subsistence agriculture and fishing and in the manufacture and sale of handicrafts (sold mainly to passing ships).

Article 7

227. Given the circumstances described in paragraph 226 above, the provisions of this article necessarily have only a limited application to Pitcairn. But, to the extent that they do apply, they are respected there. In particular, where there is paid employment, women enjoy the same conditions as men.

Article 8

228. The Trade Unions and Trade Disputes Ordinance of Pitcairn in substance guarantees the unrestricted right of everyone to form and to join trade unions and the right of trade unions to function freely in pursuit of their purposes. As the Ordinance makes clear, these purposes may include the regulation of relations between workers and employers or between one group of workers and another. Before they can function as such, trade unions are required to register with the Registrar of Trade Unions, for which purpose certain purely procedural conditions must be observed. Once it is registered, there are no restrictions on the right of a trade union to pursue its purposes as set out in its own constitution. Specifically, there are no restrictions on the right of a trade union to join international trade union organisations. In addition, the Ordinance expressly confers legal immunity on every trade union (and on its members if sued in a representative capacity) from being sued in respect of any tortious act (delict) alleged to have been committed by the trade union or on its behalf.

229. Though the relevant rights are thus protected in Pitcairn law, no unions are in practice currently registered under the Ordinance.

Article 9

230. The provisions of this article, so far as they are applicable in the circumstances of Pitcairn, are given effect to by the Social Welfare Benefits Ordinance. This provides for the payment, on the authority of the Island Council and out of public revenues, of pensions, widow's benefits and child benefits. These are paid at such rates as may be directed by the Governor from time to time.

Pensions may be granted to permanent residents who have been continuously resident on Pitcairn for a prescribed period before the grant is made and who have attained the age of 65, though this age requirement may be waived in cases of infirmity of body or mind. Widow's benefits may be granted to permanent residents who are widows of inhabitants of Pitcairn and who are either over 40 years of age or have dependent children residing with them and supported by them. To qualify, a widow must herself have resided continuously on Pitcairn for not less than three years immediately before her husband's death. Child benefits may be granted to the parents or guardians of every child under 15 years of age who resides with them and is normally resident on Pitcairn. The parents or guardians of a child between 15 and 18 years of age who is attending a full-time course of education at the Pitcairn Island School may also be eligible for the grant of child benefits. There are no groups which are excluded from the enjoyment of these benefits or which enjoy them to a less extent than the majority of the population.

## Article 10

231. With reference to the provision of measures of protection and assistance for children and young persons, as required by this article, it can be reported that the Convention on the Rights of the Child was extended to Pitcairn on 7 September 1994 and the United Kingdom's initial report under that Convention was submitted to the Committee on the Rights of the Child in March 1999.

## Article 12

232. Except on two points, the information relating to this article that was furnished in the United Kingdom's second periodic report under the Covenant in respect of Pitcairn (paragraph 385 of E/1986/4/Add.27) continues to be applicable in Pitcairn's present circumstances. First, although it remains the case that all on-island medical and dental treatment is provided free of charge, a charge is now made for prescriptions. Second, a new Health Centre, which was paid for by the United Kingdom Government, was opened in 1996.

## ANNEX H - ST HELENA

### I. GENERAL INFORMATION

233. The Committee is referred to the core document ("the country profile") in respect of St. Helena which is contained in annex X to HRI/CORE/1/Add.62. Save as is indicated in the following paragraphs of this annex, the position as regards the matters covered by that core document remains substantially as there described but the following statistics should be substituted, as appropriate, for those set out in paragraph 2 of the Core Document.

| | |
|---|---|
| Gross domestic product per capita | £2,356 (1994/95) (estimated) |
| Gross national product | £10,526,000 (1994/95) (estimated) |
| Rate of inflation | 2.0 per cent (August 1998) |
| Rate of unemployment | 14.0 per cent (September 1999) |
| Literacy rate | |
| Males | 98 per cent (1998 census) |
| Females | 98 per cent (1998 census) |
| Population | 4,913 (1998 census) |
| Life expectancy | |
| Males | 70.6 years (1989-1998 average) |
| Females | 78.0 years (1989-1998 average) |
| Infant mortality rate | 19.2 per 1,000 live births (5-year moving average, 1994-1998) - too few to provide separate steady and reliable rates for each sex |
| Birth rate | 12.4 per 1,000 population (5-year moving average, 1994-1998) |
| Death rate (males) | 8.9 per 1,000 population (5-year moving average, 1994-1998) |
| Death rate (females) | 8.0 per 1,000 population (5-year moving average, 1994-1998) |
| Percentage of St. Helenian resident population under 15 years of age | |
| Males | 23.1 per cent (1998 census) |
| Females | 19.6 per cent (1998 census) |

| | |
|---|---|
| Percentage of St. Helenian resident population over 65 years of age | |
| Males | 8.7 per cent (1998 census) |
| Females | 14.0 per cent (1998 census) |
| Percentage of St. Helenian resident population in rural and urban areas | Rural 60 per cent (1998 census)<br>Urban (Jamestown and Half-Tree Hollow) 40 per cent (1998 census) |
| Religions | Church of England |
| Males | 82.4 per cent |
| Females | 81.9 per cent |
| | Jehovah's Witness |
| Males | 5.0 per cent |
| Females | 6.3 per cent |
| | Baptist |
| Males | 2.5 per cent |
| Females | 2.1 per cent |

## II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

234. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports under articles 6-9, 10-12 and 13-15 of the Covenant in respect of St. Helena - or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. In respect of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

### Article 1

235. There is at present no significant body of opinion in St. Helena which advocates independence or any similar change in the status of the territory; and the very small size of the territory and of its population, and also its geographical remoteness, would obviously present major obstacles to any such change. However, bearing in mind the right of self-determination recognized in article 1 of the Covenant, the United Kingdom Government is alert to the need to ensure that the constitutional arrangements for St. Helena remain suitable to the needs and aspirations of its population. It is with this need in mind that, in September 1998, the Governor of St. Helena established a Commission of Inquiry (consisting of a Chairman, four other members and a Secretary) to consider whether there are any inadequacies in the present Constitution of the territory and to make proposals for any amendments or alternative provisions that may be desirable. After carrying out island-wide consultations, the Commission submitted its report to the Governor on 31 March 1999. It is currently being considered by the Executive Council. In the meantime, the topic continues to be the subject of consultation between members of the Legislative Council and their constituents.

236. It can also be reported that the United Kingdom Government has recently put in train a review of the status and administrative arrangements of Ascension Island (one of the dependencies of St. Helena: see paragraphs 3 and 8 of the core document referred to in paragraph 233 above) with a view to developing the democratic and civil rights of those who live here. This review is still in progress.

Article 2

237. With reference to article 2(2) of the Covenant and specifically with reference to discrimination on grounds of race, etc., the Committee's attention is drawn to the United Kingdom's fourteenth periodic report in respect of St. Helena under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (paragraphs 301-303 of CERD/C/299/Add.9) and also to the fifteenth periodic report which was submitted recently but has not yet been issued as a CERD document. As regards the legislation referred to in paragraph 303 of the fourteenth report (i.e. legislation modelled on the United Kingdom's Race Relations Act 1976), the fifteenth report now shows that the relevant Ordinance for the island of St. Helena (the Race Relations Ordinance 1997) was enacted on 26 March 1997. It came into force immediately and it has now been applied to Ascension also. As the reports explain, Tristan da Cunha already had its own Ordinance, enacted in 1996.

Article 3

238. It continues to be the case that men and women in St. Helena are entirely equal in the enjoyment of all the economic, social and cultural rights set forth in the Covenant. In the public sector, the laws which prescribe the qualifications of candidates for elected office, and of voters in elections to such office, make no distinction between men and women. The 12 elected members of the Legislative Council at present include two women. As at October 1998, there was a total of 1,219 employees in the public service (excluding "community workers": see paragraph 250 below) of whom 800 were men and 419 women. While no corresponding firm statistics are available for the private sector, it can confidently be reported that, there also, women are active and are employed on an equal footing with men. The position is essentially similar in the two Dependencies (Ascension and Tristan da Cunha). Out of the 11 government departments in Tristan da Cunha, four are headed by women and there are five women Deputy Heads of Department. While there is as yet no local legislation dealing with questions of equal pay and equal treatment in employment, the United Kingdom's Equal Pay Act 1970 is applicable in St. Helena by virtue of the English Law Application Ordinance 1987. The enactment of legislation to deal with discrimination on grounds of sex is currently under consideration and a draft Ordinance on that topic has already been prepared.

Article 6

239. As indicated in paragraph 238 above, there is no differentiation between men and women in St. Helena in respect of employment. However, as between St. Helenians and non-St. Helenians, it is the policy of the St. Helena Government that vacancies in employment should be filled by St. Helenians whenever practicable and, in pursuance of that policy, a recent Ordinance (the Immigration Control Ordinance 1998), prohibits persons, other than those who have "St. Helenian status" and their spouses, from working in St. Helena unless they have been granted a work permit under the Ordinance. Under the new Ordinance, St. Helenian status is enjoyed automatically by persons who have the prescribed connection with St. Helena by birth or

descent but it may also be acquired by other persons if they satisfy the Immigration Control Board (which consists of seven St. Helenians appointed by the Governor) that they are of good character and that they comply with certain other statutory conditions. Work permits, which were previously issued by the Governor in Council, are issued by the Immigration Control Board and are not issued unless the applicant has the particular qualifications, skill or experience needed for the employment in question and there is no suitably qualified St. Helenian available.

240. The unemployment rate has fluctuated in recent years, with the number of registered unemployed persons (inclusive of three-day community workers: see paragraph 250 below) standing at 380 in March 1999 (compared with 515 in 1996/97 and 229 in 1991/92). Of the unemployed, 37 per cent are under 25 years of age and there are twice as many men as women. The increase in unemployment in the last few years is partly due to a programme of public sector reform involving a contraction of the public service: the number of persons employed by the St. Helena Government has fallen from 1,414 in 1993/94 to a current level of 1,342. However, in parallel with this programme of reform, the St. Helena Government has also begun to implement a strategy of supporting private sector growth by encouraging inward investment, import substitution, and the development of a high-value, low-income tourist industry, all of which are aimed at creating sustainable employment. More immediate measures to reduce unemployment include recruitment into the United Kingdom Armed Forces, restructuring the three-day community work scheme and increasing the number of offshore employment opportunities for St. Helenians - mainly in the United Kingdom, through the Training Work Experience Scheme (TWES) which was introduced with effect from 1 January 1995. Under this scheme, St. Helenians are issued with training permits which allow them to pursue, in the United Kingdom, training courses and attachments to firms and businesses and thus to acquire vocational qualifications. In addition, the General Work Scheme, introduced on 1 January 1998, allows 30 permits a year for St. Helenians to work in the United Kingdom.

241. Because of the special circumstances of Ascension Island, there are some particular restrictions on entry for the purposes of employment there. A would-be employee must be medically fit for the job in question and the minimum age for admission for employment is 18 years (except in the case of young persons already residing on Ascension with their parents). The fact that family accommodation is limited means that some jobs are available only on an "unaccompanied" basis. In addition, since there are no social services on Ascension, employees not accompanied by spouses or partners may not bring children with them.

242. In 1995 a St. Helena Development Agency was established with the task of helping to create a self-sustaining business community. It offers financial assistance to the private sector in the form of loans and grants, financial services and enterprise training.

243. St. Helena has no national policy on the employment of disabled persons, but there is no evidence of any discrimination in this area.

244. The Personnel Department of the Government of St. Helena is responsible for the management and control of a Youth Training Scheme which provides vocational training/trades training for young persons aged 15-18 years in a number of professions or trades. These include nursing, carpentry, plumbing, farming, policing, masonry, mechanics, radio broadcasting, clerical work, electrical work, tailoring and draughtsmanship. Most of the training under this scheme is provided by various government departments, but some is provided by the private sector. Plans are currently being made to establish a Training Council on which both Government and the private

sector will be represented. This will be an assessment and monitoring body for a new Vocational and Trades Training Programme which will be implemented by the St. Helena Government's Education Department in partnership with commerce and industry, etc.

245. St. Helena's comprehensive high school (the Prince Andrew School) provides further education classes for adults in a number of academic subjects, including Mathematics, English, Spanish, Computing, Science and Keyboarding. These courses, which are held on three evenings per week and are free of charge, lead to international certificates. Technical courses in woodwork and mechanics are also provided on one evening per week, at a fee of 35p per evening.

## Article 7

246. As indicated in paragraph 238 above, there is no differentiation in St. Helena between men and women in the terms and conditions of employment.

247. The principal legislation in St. Helena governing the health, safety and welfare of workers continues to be the Health and Safety Ordinance 1977 which, inter alia, imposes a wide range of duties on employers to ensure, so far as is reasonably practicable, that all their employees enjoy safe and healthy working conditions and sets up an inspectorate system with effective powers to supervise and compel the observance of those duties. There has for some years been statutory provision (the Minimum Wages Ordinance: Cap.73 of the Laws of St. Helena) for the Governor in Council to fix a minimum wage for any occupation for which he is satisfied that the wages are unreasonably low, but there has been no occasion as yet for this power to be exercised.

## Article 8

248. The law of St. Helena has for very many years recognized and protected the right to form and join trade unions. Under the Trade Unions and Trade Disputes Ordinance 1959, which is still the operative legislation, the persons who form a trade union must, within three months of its formation, apply to the Registrar of Trade Unions for it to be registered. Various procedural requirements have to be complied with, e.g. the furnishing of information about the union's rules and their provision for the protection of members' rights and the proper management of the union's funds and property. Once registration has been effected, the union, and its officials and members, are given legal protection for acts done by or on behalf of the union in contemplation or furtherance of a trade dispute. However, despite this long-standing legal framework, there are no trade unions which are currently registered under the Ordinance. There is no identifiable reason for the lack of interest, hitherto, in trade union activity but it is thought possible that the situation may change with the steady growth of employment in the private sector.

## Article 9

249. St. Helena's social security system is administered by the Employment and Social Services Department of the St. Helena Government. Currently, the following benefits, which are paid on a weekly basis are available:

| | | £ |
|---|---|---|
| 3-day community work scheme (see paragraph 250 below | Single/married | 27.24 |
| | Child (0-14) | 5.00 |
| | Child (15-18), if in full-time education) | 5.00 |
| Unemployment allowance | Single | 12.80 |
| | Married | 25.60 |
| | Child (0-14) | 5.00 |
| | Child (15-18), if in full-time education) | 5.00 |
| Income related benefit (for those aged 60 years and above and those medically certified as unfit to work) | Single | 18.95 |
| | Married | 28.60 |
| | Child (0-14) | 7.00 |
| | Child (15-18), if in full-time education) | 7.00 |
| Handicap allowance | | 7.60 |
| Residents of institutions | | 2.00 |
| Residents of Family Centre (formerly Children's Home) | | 1.00 |
| Rent rebate | | Up to 75 per cent of total rent |
| Pregnant mothers allowance | | 18.95 |

The child allowances shown above for recipients of benefits under the three-day community work scheme and for recipients of unemployment allowance and income-related benefits are additional allowances for each child. But the maximum amount payable each week under the three-day community work scheme or by way of unemployment allowance is £40.00 per household (i.e. claimant, partner and dependent children). Similarly, income-related benefits are subject to a weekly maximum of £45.00 per household. Besides the above social security benefits, which are available, within the limits indicated, to all those who qualify, there is also statutory provision, under long-standing legislation, for the payment of pensions to the widows and children of deceased members of the public service who have been contributory members of the scheme.

250. The three-day community work scheme which has been referred to above is a scheme which seeks to create some form of useful employment for the registered unemployed. It operates on a rota basis so as to provide every participant with a chance to work, but resource constraints mean that only 122 placements are currently available. Every effort is made to ensure that participants ("community workers") are engaged in meaningful employment such as reafforestation schemes to prevent soil erosion, seedling production and general maintenance of the public infrastructure.

251. The social security system as described above is fully financed by the St. Helena Government and currently accounts for 10.16 per cent of the Government's recurrent budget (compared with 10.07 per cent in 1988/89). As of March 1999, the numbers of persons actually receiving social security benefits were as follows:

| | |
|---|---|
| three-day community work scheme | 124 (of whom 50 were also in receipt of other benefits, e.g. child allowance or rent rebate) |
| Unemployment allowance | 256 |
| Income-related benefit | 498 |
| Handicap allowance (Recipients of handicap allowance will generally also receive income-related benefits) | 65 |

Article 10

252. The measures and arrangements currently in operation in St. Helena for the protection and support of the family, of mothers, and of children and young persons are substantially as previously reported. But attention is drawn specifically to the following features and new developments.

253. All persons who have attained the age of majority may marry freely. For most purposes the age of majority in St. Helena is the same as in the United Kingdom, i.e. 18 years of age. But in the particular case of marriage it is 21 years, and persons under that age who wish to marry need the consent of a parent or guardian or, if such consent is withheld, of the Supreme Court.

254. In addition to operating the social security system described in paragraphs 249-251 above, the Employment and Social Services Department is responsible for securing adequate housing for those persons who are unable to provide their own homes. There is a current stock of 179 "Government-Landlord" houses, all of which are occupied. The Employment and Social Services Department is in the process of developing a further 15 houses. The waiting-list now stands at about 70, out of which only 4 families are in particularly urgent need. Existing cases of need will be provided for by the new housing development. The Department has for many years also managed a "home help" scheme under which helpers are assigned to elderly or disabled persons so that they may remain in their own homes and not become institutionalised.

255. The income tax system continues to make provision in support of families. In addition to the basic personal allowance of £1,200, there is currently a married person's allowance of £900 and child allowances of £300 for the first child, £200 for the second and £75 for each subsequent child.

256. As regards the protection and support of expectant and nursing mothers, the Public Health Department of the St. Helena Government ensures the provision of antenatal care (including regular examinations and tests, parent-craft classes and the administering of iron and vitamin supplements throughout pregnancy) and postnatal care for mothers and babies (including home visits in the first ten days after birth). This antenatal and postnatal care is available to all women and is free of charge. All public service employees are entitled to 12 weeks confinement leave (six weeks before birth and six weeks afterwards) and their jobs are preserved for them during that leave. All pregnant women who are without adequate financial support can claim the pregnancy allowance (currently £18.95 per week) under the social security scheme administered by the

Employment and Social Services Department (see paragraph 249 above). This allowance is payable from the sixth month of pregnancy until three weeks after the birth of the child.

257. As regards the care and protection of the children of working mothers, it is still the case in St. Helena that a very important role is played in this respect by grandparents. However, in recent years there has been an increased tendency for working mothers to have to resort to childminders outside the family, and there is now a children's crèche which was established some years ago and which continues to operate satisfactorily.

258. More generally as regards measures for the protection and welfare of children, the Committee's attention is drawn to the following. First, the Convention on the Right of the Child was extended to St. Helena on 7 September 1994. The United Kingdom's initial report in respect of St. Helena under the Convention was submitted to the Committee on the Rights of the Child in March 1999.

259. Partly because of the need to ensure full compliance with the Convention on the Rights of the Child and partly because it had become apparent that the law of England (which had previously been the governing law in St. Helena in this field) was no longer wholly applicable to local circumstances, a new Ordinance (the Child Care Ordinance 1996) was recently enacted with a view to updating and gathering into one comprehensive piece of legislation all the necessary provision with respect to child care and the status of children. It deals with such matters as the guardianship of children, custody orders, the adoption of children, the legitimation of children on the marriage of their parents, the property rights of illegitimate children, the powers of the Child Care Officer (a public officer whose post was created under the Ordinance), the fostering of children, and the making of various kinds of orders for the protection or the maintenance of children or for enforcing the payment of such maintenance. The Ordinance expressly lays down the principles, first, that a court, in deciding issues concerning the legal custody or the upbringing of a child or concerning the handling of a child's property or income, must regard the welfare of the child as "the first and paramount consideration" and, second, that it must not, in deciding such issues, give greater force to the claims, rights and authority of the father as compared with those of the mother, or vice versa.

260. The Child Care Ordinance 1996 does not replace previous legislation for the protection of children, e.g. from abuse by others or from harmful activities or occupations. That previous legislation (e.g. the Children and Young Persons Ordinance 1965, the Juveniles Smoking Ordinance (Cap. 58 of the Revised Laws of St. Helena) and the Education Ordinance 1989, all as amended from time to time) continues in force and continues to be vigorously applied.

261. Children who are separated from their families are looked after in the Family Centre or by a suitable person appointed by the Magistrates Court. In either case, the child is also placed under the supervision of the Child Care Officer, appointed under the Child Care Ordinance 1996. The Family Centre has recently replaced the former Children's Home and is now located in a residential complex. It is less "institutionalized" than the Children's Home perhaps was, and it has a more inviting and homely atmosphere. It can accommodate up to eight children (who receive pocket money of £1 a week), but there are currently (i.e. as at March 1999) no children being cared for in the Centre. There is a custom-built home, with seven beds, for physically or mentally disabled children. This is administered and run by the Public Health Department and operated by dedicated nursing staff who also provide support for similar children in the community and respite care for those in need. In addition, handicapped children and young persons may receive special

help from the St. Helena Handicapped Persons Aid Society and support and assistance is also provided by the Public Health Department and the Employment and Social Services Department.

Article 11

262. Living standards in St Helena remain heavily dependent on United Kingdom development assistance. A Country Policy Plan which sets out the level and scope of assistance for the period 1997/98-1999/00 was agreed in 1997. A new Country Policy Plan for the period 2000/01-2002/03 will be agreed at the end of 1999. United Kingdom development assistance is currently spread over the following areas. (For comparison, details are also given for earlier years.)

| | 1998/99 (provisional) (£000s) | 1994/95 (£000s) | 1988/89 (£000s) |
|---|---|---|---|
| Budgetary aid | 3,264 | 3,225 | 3,543 |
| Shipping subsidy | 1,340 | 1,152 | 1,303 |
| Development aid | 1,913 | 1,450 | 13,872* |
| Technical cooperation | 2,167 | 1,890 | 2,142 |

*Includes the sum of £12,321 relating to the cost of building the new ship for St. Helena.

263. About one fifth of the total population of St. Helena and one third of the working population is presently working offshore. While this brings economic benefits in terms of reducing employment and of increasing remittances (now a little under £2 million a year), it also imposes social burdens in terms of family separations. As reported in paragraph 240 above, the St. Helena Government has embarked, beginning in 1996/97, on a programme of public sector reform and private sector development. The public sector reform seeks to examine all government activities to determine whether they should continue and, if so, whether they should be privatized or contracted out to the private sector. A lack of capital to provide funds for asset replacement and a lack of inward investors have meant that the major utilities (energy and water) are likely to remain under government control. Apart from supporting the start of new businesses, the main focus of private sector investment is the removal of potential barriers. Measures taken with this objective in mind include the compilation of an Approved Investor's Guide and the introduction of a new immigration policy, based on the Immigration Control Ordinance 1998 (see paragraph 239 above). The St. Helena Government is also working on the introduction of an expanded banking facility and of a national pension scheme.

264. All current infrastructure projects that are funded by developmental aid monies obtain them from three main sources, ie the United Kingdom, the European Union and UNDP. The funds so obtained are applied to areas of activity that will assist private sector development and thus both directly and indirectly enhance the prosperity and standard of living of the population of St. Helena. These projects include a £1.1 million road rehabilitation and development scheme and a £600,000 project to refurbish generators and introduce wind turbines: both these projects are funded from United Kingdom development aid. The European Union has been approached for funding, amounting to approximately £4.2 million, for a wharf improvement project which will facilitate the easier and safer landing of cargo and passengers. Another project, funded by United Kingdom development aid between 1997/98 and 1998/99, has enabled a further reservoir to be built which has in turn improved water supplies and has thus permitted house-building restrictions to be relaxed; and there is also a water-filtration project which will improve the quality of water.

Other current projects include an Integrated Pest Management Programme (also funded by United Kingdom development aid) which seeks to increase agricultural production in St. Helena and a United Nations-funded livestock improvement project.

265. Specifically as regards the right to adequate food, it will be seen from the foregoing that there is now great emphasis on encouraging local food production in substitution for imports. All locally produced meats and vegetables are now provided by the private sector: the public sector has been able to withdraw completely from this field except that there is a government subsidy to farmers for water for irrigation. However, the need to import food from the United Kingdom and South Africa still remains. There is no problem with food distribution, and there are food shops in both urban and rural areas. The St. Helena Fisheries Corporation, which is a government parastatal organization, ensures the provision of fish to all areas through the town market and mobile van sales. (The Corporation also processes and exports frozen fish that is in excess of local needs and it has recently undertaken to supply fish to an investor from outside St. Helena whose company intends shortly to establish a fish processing/freezing plant on the Island.) The responsibility for disseminating the knowledge of the principles of nutrition to the whole community is discharged by the Department of Public Health of the St. Helena Government as part of its general responsibility for health promotion (see paragraph 268 below).

266. As regards the right to adequate housing, it must be reported that house-building at present lags behind demand, though measures are being taken by the Government to build new accommodation and to convert suitable existing government buildings. Steps are also being taken to rent or purchase suitable buildings from the private sector. There are currently no cases of homelessness, and the waiting-list (which at present stands at about 70) stems from situations of overcrowding in individual families rather than from homelessness. Loans for new construction, renovations and extensions are available from the Government Housing Assistance Board to persons in full-time employment, who are permitted to borrow up to three times their annual salary, subject to a maximum loan of £16,000. The interest charged is 8 per cent per annum. "Government-Landlord" houses are generally rented to persons who are on low wages or who are unemployed. Subject to assessment by the Employment and Social Services Department, the Housing Assistance Board also approves small grants for the needy (i.e. persons in receipt of social benefits) for making essential repairs and improvements to their homes. See also paragraph 254 above.

267. So far as the quality of housing is concerned, the 1998 census has shown that, out of the total number of households (1,610), only 5 per cent lack inside piped water, 4.9 per cent lack flush water closets, and 5.7 per cent lack electricity - principally because of their geographical location. Standards in house-building have for many years been closely controlled by the Building Ordinance 1966 and the Regulations made under it, and the planning aspect of this system has recently been further developed by the Land Planning and Development Control Ordinance 1998 (enacted but not yet been brought into force).

## Article 12

268. The responsibility for the health of the population of St. Helena is vested in the Public Health Department of the St. Helena Government. The Department's key objectives are to provide a well-managed, cost-effective and efficient health service; to give a high priority to preventative medical services; to provide an appropriate range of medical services to the public; and to strengthen environmental health services. A recent development has been the appointment of a

Chief Administrative Health Officer to manage the Department with assistance, as necessary, from the Chief Medical Officer. The Department has also recently taken over the responsibility, formerly vested in the Employment and Social Services Department, for the Old People's Home and for the public swimming pool (which is being managed by a private contractor on a three-year contract). Under the aegis of the Department, St. Helena has a main hospital (the General Hospital) and seven clinics, which are currently serviced by 3 doctors (2 surgeons and 1 anaesthetist), 1 dentist, 2 dental technicians, 2 dental surgery assistants, 1 dental hygienist, 61 nurses (including midwives, nursing assistants and trainees), 1 physiotherapist, 4 pharmacists and 10 health visitors. There are at present no specialist psychiatric services available but the need for such services has not so far arisen. It can be fairly said that the whole population has ready access to medical care. In principle, this medical care is not free: there is an admission fee of £3.30 per day; a medicine fee of £0.50 per item; a laboratory test fee of £2.20 per test; and an operation fee which varies between £2.20 and a maximum of £110.00. But children under the age of 15 years and persons in receipt of social security benefits are exempt from paying these fees and, as noted in paragraph 256 above, antenatal and postnatal care are also free.

269. Expenditure on health currently accounts for 15.9 per cent of the St. Helena Government's recurrent budget, compared with 11.75 per cent ten years ago.

270. The general state of the health of the population of St. Helena is assessed as good and its nutritional state remains satisfactory. There are no endemic diseases other than chicken pox, although there is a higher than usual incidence of asthma and non-insulin-dependent diabetes. Gonorrhoea is a rarity and there have been no cases of AIDS reported to date.

271. The latest statistics relating to life expectancy, etc. and infant mortality are given in paragraph 233 of the present report. The main causes of infant mortality are congenital abnormalities and prematurity. All deliveries continue to be planned to take place in the General Hospital under the supervision of trained midwives. There is a free immunization programme for children against tetanus, diphtheria, polio, measles, mumps, rubella and TB. This programme, which is virtually 100 per cent effective, conforms with United Kingdom guidelines and is regularly updated. As noted in paragraph 268 above, free medical treatment, including hospital admissions, and also free dental treatment are provided for all children under 15 years of age. Health programmes for all schoolchildren, including those in nursery school, include checks with respect to hygiene, hearing and vision and annual dental checks.

272. The whole population of St. Helena has access to safe water supplies (88 per cent treated supply; 12 per cent untreated supply but with free water sterilization made available) and also to adequate facilities for the disposal of human and other waste.

## Article 13

273. The situation with respect to the matters dealt with in this article of the Covenant remains substantially as previously reported, but the following paragraphs give a general account of the current position and note some recent developments.

274. The overall responsibility for educational matters in St. Helena is vested in the Education Department of the St. Helena Government. Both primary and secondary education are compulsory and free for all children between the ages of 5 and 15 years. There is also free nursery education for children between 3 and 5 years old. "Post-compulsory" education (i.e. for children between

15-plus years and 18-plus years old) is free for those who meet certain qualifying criteria. These are based on a points system which is itself based on secondary examination results. There is a bus service for schoolchildren which is also provided free of charge.

275. St. Helena currently has four first schools (3-plus years to 8-plus years), 3 middle schools (8-plus years to 12-plus years) and one high school (12-plus years to 18-plus years). In addition to the ordinary academic curriculum, technical education is introduced in the middle schools and is continued, together with vocational education, in the high school. As noted in paragraph 245 above, the high school also provides further education for adults, with academic subjects being available free of charge and technical subjects requiring a small contribution.

276. "Post-compulsory" schooling is regarded as part of the Youth Training Scheme (see paragraph 244 above), and students who undergo it receive similar allowances to those in youth training. At present, the courses that are offered are the following:

Compulsory courses
English Language, Mathematics and one Science subject. These are all taken at the United Kingdom General Certificate of Education (GSCE) level.

Optional courses
Accounting, Arts and Design, Music, Child Development, Communication Studies, English Literature, Humanities, Keyboarding, Geography, History, Religious Studies, Rural Science, Single Science, Co-ordinated Science and Design and Technology. These are all taken at the GSCE level.

Information Processing. This is taken at the United Kingdom Royal Society of Arts (RSA) level.

Textiles, Agriculture, Building Studies, Wood Craft, Motor Vehicle Studies, Maritime Studies and Family, Home and Food. These are all taken at the local Certificate of Vocational Studies level.

277. Currently, education accounts for 12.66 per cent of the St. Helena Government's recurrent budget (compared with 11.0 per cent in 1988/89). In addition to the funds thus made available for education, the Education Department has recently been awarded a grant of £80,260 from United Kingdom Government development funds for a National Curriculum English project. This is to cover the cost of materials and a technical adviser.

278. So far as concerns the terms and conditions of employment of teachers, it can be reported that these continue to be substantially the same as those of other members of the public service. As regards their role and deployment, it has been the objective of the Education Department to maintain a teaching establishment which will permit a ratio of 1 teacher to every 10 pupils of compulsory schooling age, and the same ratio for children in the nursery school age group. This objective is now being reviewed in the light of falling rolls. Additional support is provided for disabled children - in some cases on a one-to-one basis - by Educational Support Assistants. There continues to be an active Teachers Association, and its executive members are consulted about the deployment of teachers to the various schools. Teachers also form panels to help develop the curriculum for both primary and secondary education.

279. As has been the case for other St. Helena Government departments, the Education Department has in the past few years suffered from a high staff turnover, caused by the increase in offshore employment opportunities for St. Helenians which offer more attractive remuneration. A task force was recently established to consider various possible options which might encourage staff retention. One of the recommendations which it has already made and which has been accepted is the introduction of a period of six weeks' sabbatical leave for all teachers who have completed six years of unbroken service (excluding school holidays and maternity leave). Teachers who qualify for this sabbatical leave are given the option of taking pay in lieu of leave. A further measure to mitigate the effects of high staff turnover has been the engagement of expatriate teaching staff, with the aid of United Kingdom technical assistance funds. There are currently 6 expatriate teachers out of a total establishment of 110 teachers.

## Article 15

280. Non-governmental organizations, with encouragement and assistance from the Government of St. Helena, play an important role in the promotion of culture in St. Helena, as does also the St. Helena Government's Information and Broadcasting Section. This section is responsible for the production of the only newspaper (which is published weekly) and for radio broadcasting. Other bodies working to the same end include the St. Helena Tourist Office, established in January 1998, which encourages the production of local crafts and more generally seeks to raise awareness of St. Helena's cultural heritage, and the St. Helena Heritage Society, a voluntary body which has been functioning for some years.

281. As previously reported, it is the practice of the St. Helena Government to give small annual grants to various local voluntary bodies which, inter alia, help to foster community spirit and awareness of a common cultural heritage. The bodies currently in receipt of such grants (and the amounts respectively awarded) are as follows:

| | |
|---|---|
| Boy Scouts | £50.00 |
| Girl Guides | £100.00 |
| Church Lads Brigade | £100.00 |
| St. Helena Band | £100.00 |
| Sports Council | £500.00 |
| Royal Society for the Prevention of Cruelty to Animals | £600.00 |
| Rifle Association | £300.00 |
| St. Helena Heritage Society | £500.00 |
| Duke of Edinburgh Award Scheme | £100.00 |
| Gettogethers Orchestra | £100.00 |
| Handicapped Persons Aid Society | £200.00 |

A grant of £800.00 per year is also given for St. Helena's national day (21 May) celebrations.

282. There are also various other voluntary organizations and religious groups which are instrumental in the development of local culture but which are not currently recipients of regular government grants. These include the Corona Society, the St. Helena League of Friends, the Friendly and Benefit Societies, the Seventh Day Pathfinders and the Bahai Youth Group.

283. As previously reported, St. Helena has a museum - its only one - which was established by the St. Helena Heritage Society. Plans are currently in hand to relocate the museum in a bigger

building which will have better storage and display facilities. The Public Library remains the responsibility of the Education Department. It is situated in the town but it also provides a mobile library service to rural areas. There are also community centres for which the Employment and Social Services Department is ultimately responsible but which are managed by members of the respective districts and which, together with privately owned clubs, provide suitable venues for cultural entertainment, fund-raising activities, etc. Though St. Helena once had two cinemas, they closed some years ago (mainly as a result of the arrival of home video systems), but the high school has a stage and hall which can seat approximately 400 persons and most amateur theatrical and musical events are held there.

284. St. Helena has no facilities for scientific research, but protection of the environment and the preservation of the natural heritage are recognized elements in the territory's Country Policy Plan (see paragraph 262 above). An Advisory Committee on the Environment has been established with the task of advising the St. Helena Government, non-governmental organizations and the private sector on the environmental aspects of physical development projects, and a new post of Environmental Coordinator has recently been established. A building which, until 1996, was used as a first school in one of the rural districts was re-opened in 1998 as an Environmental Centre. This provides a base for students of all ages, for the general public and for visitors to St. Helena to study St. Helena's unique environmental heritage.

## ANNEX I - TURKS AND CAICOS ISLANDS

### I. GENERAL INFORMATION

285. The Committee is referred to the core document ("the country profile") in respect of the Turks and Caicos Islands ("the TCI") contained in annex XI to HRI/CORE/1/Add.62. Save as is indicated in the following paragraphs of this report, the position as regards the matters covered by that core document remain substantially as described in it. The most up-to-date estimate of the current population of the TCI is about 24,000 (though it is impossible to be precise because of the fluctuating population of immigrant workers).

286. With reference to paragraph 20 of the core document for the TCI, the Court of Appeal has now been localized and sits regularly (currently, twice a year) in the TCI instead of in the Bahamas.

### II. INFORMATION RELATING TO SUBSTANTIVE ARTICLES OF THE COVENANT

287. The following paragraphs of this annex report, in relation to each article of the Covenant that is mentioned, the relevant developments that have taken place (including any problems that have been encountered) since the submission of the United Kingdom's second periodic reports in respect of the TCI under articles 6-9, 10-12 and 13-15 of the Covenant - or, where a more up-to-date or fuller account was given in the course of the Committee's examination of those reports, since that account was given. In respect of those articles of the Covenant that are not specifically mentioned, it is to be taken that there are no such developments to report.

#### Article 1

288. With reference to the right of self-determination, it can be reported that there is no indication of any significant body of opinion in the TCI in favour of a change in the territory's status or in its relationship with the United Kingdom. The issue of independence is not one that has been raised by either of the main political parties.

#### Article 2

289. As regards article 2(2) of the Covenant and with specific reference to discrimination on grounds of race, etc., the Committee's attention is drawn to the United Kingdom's fourteenth periodic report in respect of the TCI under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (paragraphs 304-324 of CERD/C/299/Add.9) and also to the fifteenth periodic report which has recently been submitted but has not yet been issued as a CERD document. The Committee will also bear in mind that section 78 of the Constitution of the TCI (see the core document referred to in paragraph 285 above) contains a prohibition, enforceable through the courts, of any law which is discriminatory either of itself or in its effect and of any discriminatory act committed by any person acting under any law or in the performance of the functions of any public office or any public authority. This prohibition, which of course continues in force, applies to discrimination on a wide variety of grounds (not merely race) and is also not limited to discrimination in the enjoyment of the rights enunciated in the Covenant.

Article 3

290. The Convention on the Elimination of All Forms of Discrimination Against Women was extended to the TCI in 1986. The United Kingdom's third periodic report in respect of the TCI under that Convention was submitted in January 1999 and was examined by CEDAW in June 1999.

291. It continues to be the case, both in law and in practice, that no differentiation is made between men and women in the TCI as regards their enjoyment of the rights set forth in the Covenant. Indeed, section 67 of the Constitution of the TCI (the preambular section to Part VIII of the Constitution) expressly provides that the fundamental rights and freedoms of the individual, as guaranteed by the subsequent provisions of Part VIII, are to be enjoyed by every person in the Islands irrespective of his or her sex (among other prohibited grounds for differentiation). Moreover, the TCI's statute-book has for many years contained legislation (the Sex Disqualification (Removal) Ordinance, enacted in 1950) which provides that a person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil profession or vocation or for admission to any incorporated society. So far as the public service is concerned, men and women compete on equal terms for appointment and promotion and are paid equally. (However, General Orders, which are the non-statutory rules which regulate the terms and conditions of service, etc. of public officers, not only provide for maternity leave for female officers (see paragraph 302 below) but also contain another provision which gives women an advantage not available to men. A female public officer who intends to marry may retire from the public service but still be entitled to a marriage gratuity under the relevant pensions laws, this option is not open to male public officers.)

292. Women are in fact well represented in the public service and in public life generally. Two of the elected members of the current Legislative Council are women and one of the three appointed members is a woman. Women have held ministerial office in past TCI Governments. The Chief Secretary, who is the head of the TCI Civil Service and an appointed member of the Executive Council and of the Legislative Council, is a woman, as is also the Establishment Secretary. Women account for approximately half of the public service and include two Permanent Secretaries (the most senior official in a ministry), 19 Heads of Department and four Deputy Heads of Department, and all four District Commissioners. Nine out of the ten heads of primary schools and one of the four heads of secondary schools are women, as also is the principal of the Turks and Caicos Islands Community College. Precise information on the part played by women in the commercial and professional spheres is not readily available, but it is known that women occupy management positions in some of the banks that operate in the TCI and also in other private businesses.

293. In February 1999 the TCI Government appointed a Coordinator of Women's Affairs whose responsibilities include encouraging and improving the independence and liberation of women, encouraging young women to pursue careers at all levels and in all fields (including those traditionally reserved to or controlled by men) and empowering women through education and training so that they may raise their own status and participate fully in their own development process. The Women's Desk is now a full department under the Ministry of Education, Youth, Sports and Women's Affairs. It is intended that the Women's Desk will run a series of workshops to consider appropriate changes in legislation affecting women and to promote women's awareness,

since it is considered that many women in the TCI are at present insufficiently aware of their rights or knowledgeable about legislation which affects them.

Article 6

294. It continues to be the case that no restrictions are imposed in the TCI on the right of "belongers" (or of the spouses of "belongers" living with them) to engage in any form of work or employment. A similar right is enjoyed by "non-belongers" who have a Certificate of Permanent Residence which authorizes them to engage in gainful occupation. However, other "non-belongers" are prohibited by the Immigration Ordinance 1992 from engaging in gainful occupation unless they are in possession of a work permit issued by the Immigration Board. In practice, the growth of the economy of the TCI during recent years has resulted in the ready availability of jobs, especially in the construction and tourism industries. This in turn has led to an increase in the number of immigrants employed in the TCI, including illegal immigrants. In this situation, it is the practice of the Labour Department to assist employers to fill job vacancies with persons who are legally in the territory. If no suitable, qualified "belonger" is registered with the Department as seeking employment, an employer is advised to advertise his vacancy. If that is unsuccessful, the Department will then consider issuing a "labour clearance" to assist the employer when he applies to the Immigration Board for a work permit for an immigrant worker.

295. In the field of vocational guidance and training, the Committee's attention is drawn to a pre-vocational programme which is now in place in each high school in the territory. This is specifically aimed at equipping young persons with the relevant skills which they will need to function effectively as working members of society. Among the subjects catered for by the programme are business studies, arts and crafts, industrial arts and auto-mechanics. The programme also includes a "work experience" component whose purpose is to give students a "feel" of life in the workplace before they actually take up employment there. It is also one of the objectives of the programme to equip students who may eventually wish to do so to set up their own small businesses, where they can be independent of employment by others in either the public or the private sector. Attention is also drawn to the contribution now made by the Turks and Caicos Community College, as reported in paragraph 314 below. The TCI Government is also currently developing a project for the provision of adult education; the need for this is considered to be particularly pressing in respect of the immigrant population so as to assist them in improving their English language skills and in acquiring more general training.

Article 7

296. The principal legislation ensuring the right of workers to enjoy just and favourable conditions of work is the Employment Ordinance (Cap.136). The Employment Order 1993, made under this Ordinance, now regulates such matters as minimum wages, hours of work, overtime, vacation, sick leave, compassionate leave and severance pay. This legislation, which covers all employees except those in the public service, applies to men and women without differentiation between them. The conditions of service of public officers are governed by General Orders (a code of rules regulating the administration of the public service), which expressly provide for the principle of equal opportunity to be observed and for promotion to be based on seniority and competence.

297. Under the Employment Order 1993 the national minimum basic wage is currently fixed at $2.50 an hour for all employees except those employed in the domestic service of their employer

in his private household and those who are remunerated by the piece or by the task and who are not subject to continuous supervision by their employer. The Order provides that the normal hours of work of an employee are not to exceed 44 hours a week and that he is to receive a period of rest of 24 consecutive hours in each period of seven consecutive working days. Except for managers, supervisors and others holding senior positions, the maximum hours which an employee may work are 12 hours in any period of 24 hours and 72 hours in any week. But he may agree with his employer to exceed the maximum permitted hours in any of the following circumstances:

(a) Actual or threatened accident;

(b) Force majeure;

(c) Urgent work to premises or equipment so far as necessary to avoid serious interference with the employer's business;

(d) Abnormal or exceptional pressures of work where the employer cannot be expected to resort to other measures; and

(e) To prevent the loss of perishable goods.

Where an employee agrees to work overtime, he must be paid overtime wages at the prescribed rate. Every employee must receive paid vacation at the rate of two weeks for each completed year of employment; he must receive paid sick leave on workdays on which he is sick or otherwise physically incapacitated for work; and he must receive paid compassionate leave of three days on the death of his child, spouse, parent, foster parent, brother, sister, parent-in-law or cohabiting partner. An employee who, having been continuously employed for two years by the same or an associated employer, is dismissed by reason of redundancy or is laid off or kept on short time in circumstances specified in the Employment Order is entitled to severance pay from his employer at the rate of two weeks' basic wage for each year of service (or pro rata for an incomplete year).

298. There is still no general legislation in the TCI enforcing the provision of safe and healthy working conditions. However, the Public and Environmental Health Ordinance (Cap.66) enables regulations to be made for "the protection of the health of persons exposed to conditions, substances or processes which occur in any industry or occupation and which may be injurious to health", though this power has so far not been exercised. There are in fact very few factories or similar establishments in the TCI. Until fairly recently, the Employees Accident Compensation Ordinance 1985 made provision for the payment of compensation to employees in respect of death or injuries received, or occupational diseases contracted, in the course of their employment, but this has now been superseded by the provision for benefits in respect of employment injuries which is made by the National Insurance Ordinance (Cap. 134): see paragraph 301 below.

## Article 8

299. The rights enunciated in article 8 of the Covenant remain protected by section 76 of the Constitution of the TCI (see the core document referred to in paragraph 285 above) which specifically guarantees to every person the right to form or belong to trade unions or other associations for the protection of his interests. In fact, the TCI has for many years had the necessary legislation to give effect to this right - the Trade Unions Ordinance (originally enacted in

1942), under which trade unions may be registered and which gives legal protection to them and their officers and members for things done in the exercise of legitimate trade union activity.

## Article 9

300. In 1992 a new scheme of national insurance was introduced in the TCI (by the National Insurance Ordinance of that year), providing for a wide range of social security benefits. The scheme thus established is essentially a contributory scheme, and all persons engaged in insurable employment (employers, employees and the self-employed) must register under it and pay the prescribed contributions. In the case of most employed persons, the amount of contribution in respect of each contribution week (i.e. a week during the whole or part of which the employee has been employed) is 8 per cent of the employee's earnings, of which 4.6 per cent is payable by his employer and 3.4 per cent by him. However, for persons employed in the public service, the weekly contribution is 6.85 per cent of the employee's earnings, of which 4.025 per cent is payable by the employer and 2.825 per cent by him. Self-employed persons must opt for one of a specified range of weekly incomes and must then make a weekly contribution of 8.8 per cent of the income so chosen.

301. The principal benefits provided under the scheme (in most cases in the form of periodic payments) are the following:

Old age benefit - payable to insured persons as from the age of 60 years. There is a non-contributory old age pension for persons over 68 years of age.

Sickness benefit - payable to an insured person who is rendered incapable of work as a result of some specific disease or bodily or mental disablement, who has paid at least 26 contributions and who was in insurable employment as an employed person immediately before the onset of the incapacity.

Employment injury benefit - payable to an employed person who suffers personal injury caused by accident which renders him incapable of work; where the personal injury results in death, a death benefit is payable; an employed person who suffers personal injury caused by an accident may also be entitled to free medical treatment provided by the Government medical services.

Disablement benefit - payable to an employed person who suffers personal injury caused by accident if, as a result, he subsequently suffers from loss of physical or mental faculty.

Invalidity pension - payable to an insured person who is an invalid if he is under 60 years of age and has paid at least 150 contributions.

Survivors' benefit - payable on the death of an insured person who was in receipt of an invalidity pension (or in certain other circumstances).

Retirement benefit - payable to an insured person when he retires from insurable employment if he has paid the requisite number of contributions (these vary according to the claimant's particular circumstances) and has attained the age of 60 years. A claimant who has attained the age of 65 years does not have to have retired from insurable employment to qualify for the benefit and such a claimant, even if he has not paid the

requisite number of contributions to qualify for the retirement benefit, is entitled to a lump-sum retirement grant if he has paid at least 50 contributions.

Maternity allowance - payable in the case of pregnancy and confinement to an insured woman who satisfies the relevant contribution conditions (principally that she has paid at least 26 contributions). There is also a maternity grant. See also paragraph 302 below.

Funeral grant - payable on the death of a person who

(a) Satisfies the prescribed contribution conditions at the time of his death; or

(b) Was entitled at the time of his death to a retirement benefit, an invalidity pension, a survivors' benefit, sickness benefit, maternity allowance or a non-contributory old age pension; or

(c) Was either a dependant of an insured person who, at the time of the dependant's death, satisfies the prescribed contribution conditions, or a dependant of a person who, at the time of the dependant's death, was entitled to any of the benefits mentioned in paragraph (b) above.

The scheme also provides for the payment of a constant attendance allowance in certain circumstances. To supplement the statutory scheme, the TCI Government's Welfare Department operates a number of programmes to help disadvantaged persons or groups (see paragraph 308 below), including a home help programme (involving payments of $30-$40 a week), the payment of welfare grants to help with housing and incidental costs and payments to the foster parents of orphans.

Article 10

302. The situation as regards entitlement to maternity leave differs, in the TCI, according to whether the claimant is employed in the private sector or in the public service. For those in the private sector, the governing provision in respect of maternity leave is the Employment Ordinance (Cap.136), under which a woman who has been continuously employed for two years is entitled to eight weeks' maternity leave, an entitlement which she can claim for four confinements during her employment. This is not an entitlement to paid leave, but every woman who qualifies under the National Insurance Ordinance (see paragraphs 300 and 301 above) is entitled to a maternity allowance for a period starting from a date not earlier than five weeks before the expected week of confinement and continuing until the expiration either of 12 weeks or of 6 weeks from the week in which the confinement occurs, whichever is the later. A maternity grant (currently $400) is also payable to women who satisfy or whose husbands satisfy the relevant contributions conditions. For women employed in the public service, the governing provisions concerning maternity leave are to be found in General Orders (the code of rules regulating the administration of the public service), under which a public officer who has been confirmed in a pensionable post is entitled to up to 12 weeks' maternity leave on half pay. Women public service employees, of course, all qualify, on the same conditions as other women, for the maternity allowance and the maternity grant.

303. The TCI Government now has a programme for the full antenatal care of pregnant women, including the provision of iron and multivitamin supplements. Antenatal clinics are held weekly at each health centre, except in Providenciales where they are held twice weekly. Expectant mothers

who do not attend are visited at home. Maternal update seminars are conducted for all practising midwives. So far as possible, all children are delivered by trained midwives or obstetricians in a hospital or health centre. An effort is made to ensure that first and fourth (and subsequent) children are delivered in Grand Turk Hospital. Postnatal clinic sessions are held weekly, and mothers and newborn children have a full postnatal examination by the obstetrician/gynaecologist at the end of six weeks. They are also visited by a district midwife or health visitor until they are seen to be coping well.

304. The TCI Government has established a Health Promotion Council with the specific objective of formulating and implementing programmes to reduce infant mortality and to increase life expectancy. Breastfeeding for at least four months is encouraged. There is a surveillance scheme for all communicable diseases and a vigorous implementation of infant immunization, with a 100 per cent coverage in the past five years. Child health clinic sessions are held weekly at each health centre.

305. Since HIV/AIDS is regarded as a present threat in the TCI, a National AIDS Programme has been adopted to protect children in this context. As part of this programme, and to prevent mother-to-child infection and to care for HIV-positive women and their families, the following measures are being taken:

(a) ATZ is made available to all pregnant women who are HIV-positive; this has been found to reduce the mother-to-child transmission rate;

(b) A comprehensive counselling service is available to help parents cope with the condition and teach healthy living; and

(c) Links with the Department of Social Welfare and other services are provided to secure a holistic approach to treatment and care.

306. The TCI has never experienced any problems in the field of child employment or, more generally, with the economic or social exploitation of children. It has therefore not so far been thought necessary to introduce general legislation regulating the employment of children and young persons but section 43 of the Education Ordinance provides for a fine of $5,000 or imprisonment for 12 months for persons found guilty of employing children of school age during periods of compulsory education.

## Article 11

307. As a prefatory comment to what follows, it should be mentioned that the National Statistics Unit of the TCI was re-established in mid-1998 after several years in which it was inoperative. Its first major activity since then has been to coordinate a Standard of Living Survey, funded jointly by the United Kingdom Government, the TCI Government and the Caribbean Development Bank. This will provide reliable and up-to-date information on the standard of living throughout the territory, with particular attention to levels of poverty. The data collected will also be a source of information covering a range of other social and economic matters. It is expected that the results of this survey will be available for the purposes of the next periodic report in respect of the TCI under the Covenant and that that report will be able to indicate what measures are then being taken (or have been taken) to address the issues which the survey raises. In the meantime, and based on preliminary analysis, the picture that emerges shows that there is very little absolute poverty, though incidents of poverty can be found. The poverty that does exist tends to be concentrated

among new immigrants, especially illegal immigrants, and on those islands with less economic activity.

308. Because of the generally buoyant economic situation which the TCI are presently enjoying and the consequent high level of employment (see paragraph 294 above), there are no specific current problems to report as regards the provision of adequate food, clothing and housing. However, the Department of Social Welfare of the TCI Government continues to have as one of its primary objectives the provision of assistance (in these and other respects) to disadvantaged persons or groups, such as children, the sick, the elderly, the disabled, etc. Out of its current annual budget of approximately $700,000, about $500,000 are devoted directly to assistance of this kind which takes the form of welfare benefits, welfare grants, providing care for juveniles, and operating or organizing various services and programmes which include the provision of shelter, food and clothing for those in need.

309. Because of the physical characteristics of the islands, the TCI cannot be self-supporting in terms of food, and the bulk of the necessary supplies continues to be imported on a regular basis from the United States. In consequence, some imported foodstuffs are currently exempt from import duties or are subject to reduced duties. For example, uncooked meat (fresh or frozen), vegetables and fruits (unprocessed), and rice are duty free, while noodles pay duty at 25 per cent and sugar at 16 per cent. However, local production is encouraged where possible and some of the less developed islands produce limited quantities of fruit and vegetables. Attempts are being made to expand this production and to overcome the difficulties of transporting these crops to the more populated islands and marketing them. At present, about 50 per cent of the food for the prison population is in fact grown in the prison compound by the prisoners themselves, and some of their produce is sold to the outside community. The TCI do export fish, conch and lobsters to the international market, though this trade is restricted by a quota system.

## Article 12

310. The TCI Government is conscious of, and is seriously concerned by, the existence of various obstacles to the full implementation of article 11 of the Covenant. Part of the problem is the inadequacy of the available statistics and other information, and this deficiency is being addressed by the re-establishment of the National Statistics Unit (see paragraph 307 above). More fundamentally, the TCI Government, with the assistance of the United Kingdom Government's Department for International Development, is commissioning a study of the health sector which will make recommendations on the following issues:

(a) The relationship between public and private health care providers;

(b) The range of services to be offered in the territory;

(c) Defined policies on access to services outside the territory;

(d) The development of a quality-control programme in each area of health care services delivery;

(e) Appropriate skill mix among health care providers; and

(f) Affordable and sustainable financing of the health sector.

Despite the problems which exist and which, as just indicated, the TCI Government is working to overcome, it is possible to report that there have recently been a number of encouraging developments in the health sector. Among these is the completion of a new medical complex on the island of Providenciales. An operating theatre is being commissioned and should be functioning by March 2000. These facilities are in addition to the existing hospital on the main island of Grand Turk and to the clinics which exist on all the inhabited islands and which are staffed by nurses responsible for health care. There are also private hospitals and clinics. A detailed account is given in paragraphs 302-305 above (in connection with article 10 of the Covenant) of some current measures and recent developments in the field of the protection of the health of mothers and children. The provision of antenatal care has in fact improved in recent years. In the field of immunization, the TCI has achieved levels which meet - and at times exceed - regional norms.

311. It can be reported that approximately 12 per cent of the TCI's total recurrent budget has been devoted to the health sector in the last three years.

Article 13

312. As previously reported, the TCI education system provides for compulsory education, which is free in government-operated schools, from the ages of 4 to 16 years. The system was in fact very fully described in previous reports, but a more recent development, which was mentioned - but only briefly - in the replies to the Committee's "list of issues" in connection with the examination of the second periodic report was the establishment, in 1994, of the Turks and Caicos Islands Community College on Grand Turk. This College, which seeks to provide improved post-secondary and continuing education for a wider cross-section of the TCI's population, has a holistic approach to education and, in addition to its students being able to pursue "credit" courses and courses leading to external examinations - these include A-level courses in Economics, English, Mathematics, Law, History, Sociology, Accounts and Computer Studies - they are encouraged to pursue "interest" courses which are not aimed at the acquisition of credits or at preparation for examinations. For the benefit of students on the islands other than Grand Turk, College courses may be pursued at evening sessions at high school campuses on those islands. The College currently has 15 full-time staff and 11 part-time staff and caters for approximately 300 students. It is funded partly by student fees but also by subvention from the TCI Government. Approximately $4 million are currently being spent on a major renovation of former American defence installations in Grand Turk to provide expanded facilities for the College.

313. Other updating information that can be reported is that there are now 10 government-operated primary schools in the TCI - two on Grand Turk, one on Salt Cay, one on South Caicos, two on North Caicos, one on Middle Caicos and three on Providenciales; and four secondary schools - one each on Grand Turk, South Caicos, North Caicos and Providenciales. The 1998/99 education budget was more than $3 million, again representing a considerable percentage of the TCI Government's total recurrent budget. This money defrays the cost of the salaries of teachers and administrative staff, examination fees, school supplies and equipment, travel, utilities and communications. As previously, the building of schools is financed largely from capital aid funds provided mainly by the United Kingdom Government. But the TCI Government itself also incurs substantial expenditure in this area. For the year 1999/2000 the TCI Government has made provision for nearly $1 million while the United Kingdom Government is to provide assistance of $1.7 million.

Article 15

314. As previously reported, the Turks and Caicos National Museum was opened in 1991 as part of the preparations for the Columbus celebrations of 1992. This museum is now fully functioning as a non-profit, educational foundation. It receives no funding from the TCI Government: except for a few small grants, it is supported wholly by admission fees, shop sales, membership fees and donations. Its activities are based on archaeological and historical research and it presents numerous displays on the history of the TCI.

315. The Museum's main exhibit concerns the Molasses Reef Wreck, the earliest European ship to be found and excavated in the New World. There are general displays covering the pre-Columbian inhabitants of the islands and the colonial periods of Bermudian settlement in the late seventeenth century and the influx of American "Loyalists" in the late eighteenth century. There are also more in-depth exhibits relating to the Bermudian salt industry in the Turks Islands and to the historic orbital flight, in 1962, of John Glenn's Freedom 7 capsule. The museum has recently added a natural history display that includes a 200-square-foot replica of the barrier reef and its inhabitants, and there are several displays concerning reef ecology, island ecology and the geology that is responsible for the limestone platforms that make up the TCI. There is also a 3,000-square-foot Science Building, completed in 1996, which contains a complete conservation laboratory for the preservation of archaeological materials; a workshop that allows the museum to build and maintain its own displays; humidity-controlled and temperature-controlled storage for the museum's growing collection; and a conference room. Some of the funding for the outfitting of this building was provided by the United Kingdom Government. Also completed in 1996, on an adjoining site, is the Grand Turk Arboretum, which is a teaching garden where only plants that are endemic to the TCI are grown. The arboretum was initiated with a grant from the TCI Government's Community Development Fund.